

TOM WHITE



The Life of a Lawman



THOMAS BRUCE WHITE was his full name, but everyone call him "Tom." He was born in a log house in Texas in 1881 and he died in El Paso in 1971. During his ninety years, he was a Texas Ranger . . . F. B. I. investigator . . . Warden at Leavenworth . . . and Warden at La Tuna. This informal biography tells of the career of a man who devoted his life to "law and order" and who remained a humanitarian through it all.

The author is Verdon Adams, who knew Tom White intimately during the last years of his life and who has told Tom's story with care and candor, with sensitivity and sincerity, with admiration and affection for his subject.

Readers will find this work interesting and inspiring, for it tells the life story of a man of integrity—a quality which many claim is all too rare in our century when even the idea of law and order is severely challenged.

The book has been edited and indexed by Professor Joseph M. Ray, The University of Texas at El Paso. It contains an 8-page picture section and xii+160 pages.

Other Texas Western Press Books You Will Enjoy:

Elroy Bode's SKETCHBOOK II *Portraits in Nostalgia*

Bill Warren in Austin *American Statesman*, May 28, 1972 says, "Elroy Bode doesn't tell a story: he paints a scene. His short items have no plot, but they have plenty of pull. He is a word artist." This volume is a companion to Bode's earlier *Texas Sketchbook* which was issued in 1967.

x+165 pp (ISBN 87404-032-9) \$5

THE FICTION OF JACK LONDON *A Chronological Bibliography*

Compiled by DALE L. WALKER
Researched by JAMES E. SISSON III

London's 188 known short stories and 22 novels are listed chronologically from 1895 to 1963 with over 140 annotations accompanying the entries. These notes contain cross-references, citations for over 80 critical works, data on the more obscure periodicals which contained London works. A chronology of London's life enables the reader to match works with important developments in the author's career. Illustrations, several first time in print.

xvi+40 pp (ISBN 87404-044-2) \$10

THE LASATER PHILOSOPHY OF CATTLE RAISING

by LAURENCE LASATER

In his dustjacket description of the book, Carl Hertzog says, "Regular readers of Texas Western Press publications may be surprised that we would publish a book so specifically directed to cattle people. But today Ecology is the "in" thing, and it is time our Western history buffs learned more about cows and calves!" In this book, the author (Laurence) tells how his father (Tom) developed philosophy and principles for success as a cattleman.

xiii+69 pp (ISBN 87404-037-x) \$10

THOMASON

The Autobiography of a Federal Judge

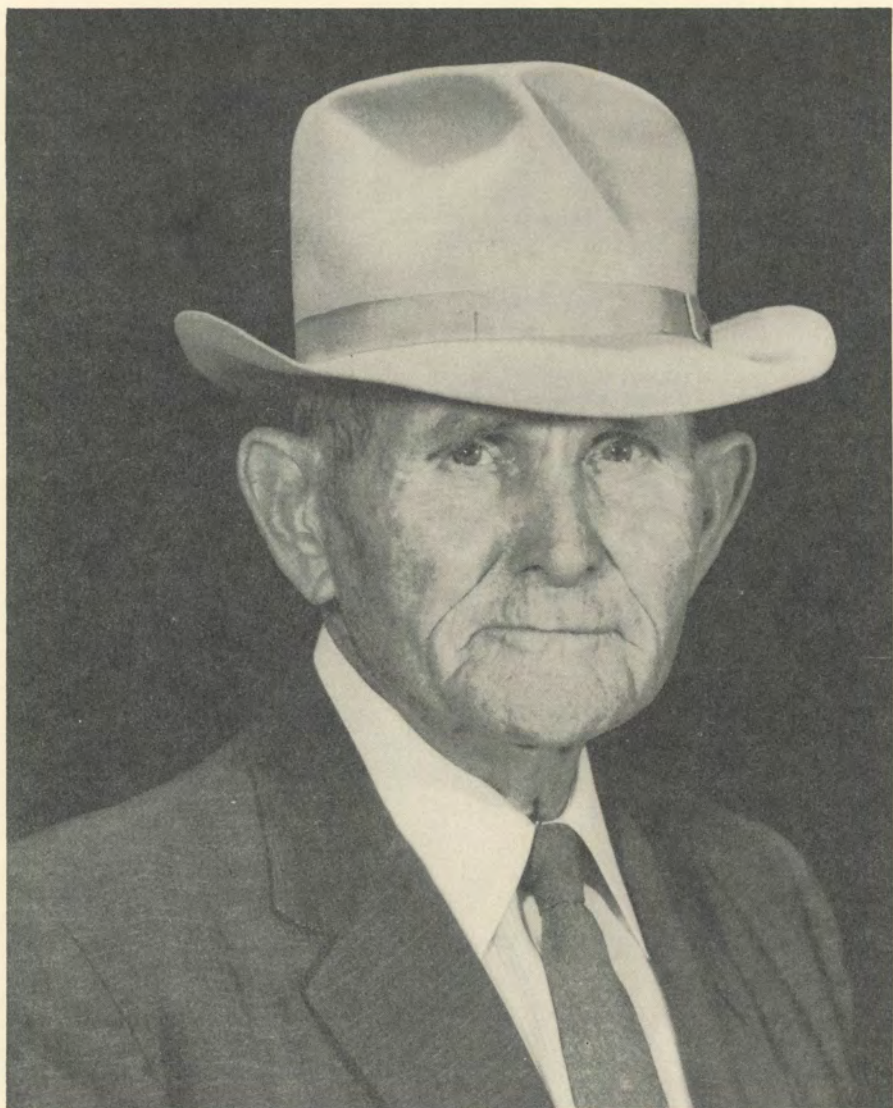
Ewing Thomason's career spanned the years 1900 (when he graduated from law school) to 1963 (when he retired as a federal judge). During those years, he was a lawyer, legislator, mayor congressman and federal judge. His story is told by the Judge, with transitional material by J. M. Ray. Photographs+index.

xii+131 pp (ISBN 87404-030-2) \$6

TOM WHITE

The Life of a Lawman





Tom White during his years of retirement, photographed approximately four years before his death in December, 1971.

TOM WHITE

The Life of a Lawman



By

VERDON R. ADAMS

TEXAS WESTERN PRESS
THE UNIVERSITY OF TEXAS AT EL PASO
1972

COPYRIGHT 1972

TEXAS WESTERN PRESS

THE UNIVERSITY OF TEXAS AT EL PASO



Edited by
JOSEPH M. RAY



Library of Congress Catalog No. 73-190576

ISBN 87404-035-3

- *To Nell, for her patience and understanding when I was too preoccupied with the Whites to be properly occupied with the Adamses.*

ACKNOWLEDGEMENTS

One of the unanticipated pleasures of writing this little book was the spirit of encouragement and unstinting cooperation I encountered wherever I turned.

J. Edgar Hoover, Director of The Federal Bureau of Investigation, James V. Bennett, retired Director of The Federal Bureau of Prisons, Wardens R. I. Moseley of Leavenworth and Bill Zachem of La Tuna, all responded promptly to my requests for assistance and information and, without exception, provided me with more than I asked for or had any right to expect. This could only add to my great esteem for many men in our often-maligned government bureaucracy, particularly those in the law enforcement field.

Chester McLaughlin, Chief U.S. Probation Officer for the Western District of Texas, and Frank Lozito, Texas State District Parole Officer, furnished me with helpful technical and statistical information, and discussed with me some of their views on probation and parole.

The willingness of R. C. Morgan and J. C. Machuca to share with me some of their memories made the writing of the chapter on La Tuna pure enjoyment.

I am indebted to Random House, Inc., Paul C. Piper of the Piper Co., and Charles Schreiner III, for permission to quote from *The FBI Story*, *The Gonif*, and *A Pictorial History of the Texas Rangers*, respectively.

I am especially grateful to Mr. Leonard Kirshner. Without his constant encouragement the book would never have been completed. Without his helpful suggestions and careful editing of the manuscript, it would contain many more flaws than it does.

The book itself is my way of saying thanks to Bessie and Tom White for their unfailing kindness and courtesy in spite of my frequent interruptions of their home life.

VERDON R. ADAMS

C H A P T E R S

I	<i>The White Family</i>	1
II	<i>The Texas Ranger</i>	14
III	<i>Railroads — FBI — and Atlanta Prison</i>	25
IV	<i>The Osage Murders</i>	42
V	<i>King of the Osage Hills</i>	56
VI	<i>Delayed Justice</i>	72
VII	<i>To Leavenworth</i>	79
VIII	<i>Life and Death in the Big L</i>	93
IX	<i>Return to Texas</i>	117
X	<i>Tales from La Tuna</i>	133
XI	<i>Full Circle</i>	143
	L'ENVOI	154

CHAPTER I

TOM WHITE

The Life of a Lawman



CHAPTER I

THE WHITE FAMILY

☞ THOMAS BRUCE WHITE WAS BORN on March 6, 1881, in a one-room log house at Oak Hill, Texas a rural settlement about five miles from Austin, the state capital. He was the third of five children born to Robert Emmet White and his wife Margaret, or Maggie as she was called, even by her children. The other White children were Della (the eldest and the only girl), Dudley, Coleman (Coley), and James. Thomas, the subject of our story, has always been known as Tom to his many friends, of all ages and walks of life. That is what we shall call him.

The log house that the White family called home was built by Margaret's father, John E. Campbell, upon his arrival at Oak Hill shortly before the Civil War. He had migrated to Texas from Campbell's Station Tennessee, bringing with him his young daughter, whose mother had recently died. We know far too little about the Campbells. We do know that John served in the Confederate forces in the War Between the States, after which he returned to Oak Hill where he, his son-in-law, and grandsons eventually built up a five thousand acre cattle ranch.

A bit of insight into Mr. Campbell's character and personality is provided by one of his cherished belongings which is now in the possession of grandson Tom and his wife Bessie. This is a book, *Graeca Majora*, written in classical Greek and beautifully bound in calf skin, with the name John E. Campbell and the year 1849 written on the fly leaf in the ornate but precise style characteristic of the period. Tom remembers his grandfather occasionally getting this book out of its wrappings and reading from it for long periods. As one turns its pages and notes the evidence of intensive but careful use to which it has been subjected, he somehow feels that it tells more about the man John Campbell than even his contemporaries may have known. Across this span of 120 years one senses the presence of a keen and inquiring mind, and a personality sensitive to beauty and grace. These qualities may very well have been con-

cealed from — or not understood by — his associates during those early years, because of the rough exterior often demanded by the conditions of the times.

Further insight into what must have been a fascinating personality is furnished by his grandson, who tells us that John Campbell taught school in addition to building up his ranch, and was also considered an expert surveyor. He did a great deal of surveying in the area, and trained his two oldest grandsons to assist him as chainmen. Tom still remembers the rhythmic sing-song of the "stick-stuck" chant as he and Dudley carried the 66-foot surveyor's chain across the gently rolling terrain of Travis County under the watchful eyes of Grampy Campbell — and Jim.

Jim, Mr. Campbell's big sorrel horse, was another valued assistant in his surveying work. By careful observation, verified many times, Grampy had determined that Jim's stride over relatively level ground, when hitched to the light buggy, was exactly one vara, or 33 inches. Armed with this knowledge it was a simple matter for him to measure a boundary by riding along the course in his buggy, carefully counting Jim's steps, and converting to whatever unit of measurement he wanted by multiplying and dividing.

This horse Jim, by the way, was a highly privileged individual in and around Austin. He was never tied to a hitching rack. On Grampy's frequent trips to town he would just leave Jim and his buggy in the shade at the side of the street. Jim would stay there until he got hungry — or bored. Then he would just pull the buggy over to the Capitol grounds and graze on the state-owned grass until Grampy came after him. And he was never known to hub that buggy on a tree or post.

In addition to John Campbell's appreciation for the niceties of life, it is obvious that he was endowed with the qualities one expects to find in a pioneer, such as optimism, enterprise, self-reliance, stubbornness, and courage. This is evident from his actions in leaving what was apparently a well established family home, to judge by the name, and bringing with him to the frontier a young motherless daughter. We might note that these qualities were passed on in full measure to his grandchildren.

In the course of time the Campbells were joined by another Tennessean from Campbell's Station. This was the young Robert Emmet White who married daughter Maggie and became the father of the five White children. Emmet, as he preferred to be called, helped his father-in-law add a couple of rooms to the house, and he and his bride stayed on and became partners in the program of improving and developing the place. The original one-room structure which John Campbell built when he first arrived in Texas still stands. It is not readily seen, however, since it is completely enclosed by the family home which he, his son-in-law, and his grandsons gradually built through the years.

When Tom was six years old his mother died. It takes little imagination to picture the sad and gloomy atmosphere at the Campbell ranch following her death. Aside from the tragic loss of a dearly loved one, there was the matter of properly caring for five children, all under ten years of age, under conditions which would tax the resources of the wisest and bravest. And no woman to turn to for help.

No, that isn't quite true. There was Meedie. Tom isn't quite sure where Meedie came from, or just when she came to the ranch. She and Anthony Solomon seem to have just "been there," as was the case of many of the first generation of freed blacks. Anthony Solomon, in particular, seems to have remained a slave, at least to Emmet, in spite of The Emancipation. That is, he was a slave in the sense of complete and utter devotion to Mr. White. As Tom puts it, "Old Anthony Solomon would have laid down and died for my dad any day." As he goes on to describe their relationship, though, one suspects that the reverse was equally true.

Meedie was a somewhat different proposition. Not too surprisingly, since she was a woman, her loyalty and devotion were centered in "her kids," and there wasn't anything she would not do for them. She evidently had a nice sense of humor. Tom swears that Meedie made the best pies in the world. When she made them, which was often, she made plenty of them. When they were done she would take them out of the oven and very carefully select a place for them to cool where the boys couldn't get at them — too easily, that is. However, they always managed to swipe one pie

while it was still warm, as Meedie knew they would. She would chase them and scold them, of course, but she enjoyed the little game just as much as the boys did, and would have been disappointed if they had failed to get their pie. But Meedie had her hands full with the plain hard work of keeping house and cooking for the big family, with little time for properly looking after the children. Finally, the distraught father went back to Tennessee and persuaded a widowed aunt to come to Oak Hill with him and care for the youngsters.

Aunt Lina was rather strict. As Tom relates some of the escapades in which he and his brothers were involved as they grew older, one concludes that she had reason to be. She also had very definite ideas about what was and was not proper. One of the hardships the boys had to endure was that of wearing white blouses with fancy buttons, knee pants, long black stockings, and — horror of horrors — little derby hats! And this in a country where all of the other men wore big Texas-style hats. All except Grampy Campbell. He wore a derby and, if the occasion offered the slightest excuse, he would break out his stovepipe hat, along with his Prince Albert coat. And, of course, the gold headed cane. Aunt Lina obviously had precedent for her ideas concerning men's dress. She was going to bring her boys up in Grampy's image.

She absolutely would not let them wear suspenders. One time Dudley and Tom somehow acquired some of these accessories which were so necessary for a display of manliness (Tom is just a little vague as to how they came by them) and decided they would wear them to town. After they were properly dressed and had passed Aunt Lina's inspection they left the house. They stopped around the corner of the house, however, and began to put on those beautiful suspenders. During this absorbing operation Aunt Lina opened the back window and looked out at them. No words were spoken. None were necessary. She just looked at them — long and hard. Dudley took off his suspenders and put them in his pocket. Tom followed suit, and they went on their way. Nothing was ever said about it and the suspenders were never worn.

Grampy Campbell was not quite so subtle in his disciplinary

actions. His usual role in this area was that of an arbiter in disputes between the boys. When two of them got into a hassle that threatened to get out of hand, Grampy, without a word, would just grab a handful of each boy's hair and bump their heads together. And he wasn't a bit gentle about it. Tom reports that it was a very effective way of stopping an argument.

Della, Dudley, and Tom attended Longview public school. It was a typical one-room affair with one teacher for all of the eight grades. They walked the first year — the whole three miles. This was after Grampy had quit teaching and they had a woman teacher. Quite often she would give Tom a ride, since he was the smallest of the three. She would just pull him up behind her saddle and let him hang on. He confesses now that he really dreaded those rides because "riding that bony old nag was just like riding a cross-cut saw." At the time, of course, he didn't dare decline.

The next year the children were provided with transportation. Della was given a horse to ride and the boys had burros. Tom's burro didn't like to get his feet wet, so they had quite a problem getting him across the little creek they had to ford. He wasn't at all impressed by Tom's urging or the smacking from Dud's rope. He just stood there. Finally Della learned to use her horse's size and weight to persuade him. She would ride her horse against him and keep pushing and jockeying and bullying the little donkey until he was forced into the water and across the creek. Then the burro decided he would avoid the whole messy business by just staying home and not going to school at all. He wouldn't leave the yard. But in this he hadn't reckoned with Grampy Campbell and his cane. A few well placed jabs at his rump by that gold-headed walking stick and the burro would start walking — sometimes. At other times he would start pitching and Tom would wind up in the dirt. Both Tom and the burro learned, however, and before long Grampy didn't even need to leave the doorway. He would just stand there and point his cane at the burro — and Tom was on his way to Longview with his big brother and sister.

When Tom was about eight, a large delegation of prominent citizens of Travis county asked his father to run for sheriff. He did

so and was elected by a large majority. This was the beginning of a career of public service rendered to the people of the city of Austin and Travis county by Emmet White which lasted until his death. He held the office of sheriff for twelve years, then was elected mayor of Austin, and finally became county judge. After "retiring" from active public life, he served as County Road Commissioner until he died in 1927. In commenting on one of the many changes he has seen in his own lifetime, his son Tom observes that he went to his mother's funeral in a horse-drawn farm wagon and to his father's in an airplane.

When Emmet became sheriff he moved his family to their new home adjoining the county jail. Tom says, "I was raised practically right in the jail. I could look down from my bedroom window and see the jail corridor and the doors to some of the cells." He then relates exciting events of a night when there was a shooting down by the river. One man was killed and fell into the stream. His body was fished out of the water by the sheriff and some helpers. The killer had been wounded and was brought to the jail. Tom watched from that bedroom window where he saw so much of life — and death — as the attendants brought him in and laid him in the jail corridor, where he bled to death in a short time, before medical help could arrive.

Sheriff White would not allow juvenile prisoners to stay in the county jail with the older, experienced criminals. Since he had no proper facilities for caring for these youngsters in the jail, he would just take them there for booking and then bring them to his home. There was one young girl of about fifteen who practically became a member of the White family this way. She stayed on with them for weeks. The children never knew her offense nor any of the circumstances that had led to her commitment. They liked her and she liked them, and she got along well with Aunt Lina, and that was enough.

Emmet had several other principles which governed all of his actions as sheriff and, later, as mayor, county judge, and commissioner. For one thing, he never considered a person's color or station in life, in any dealings he had with him. He taught his children

this and other rules of conduct more by practice than precept. Tom does not remember that his father talked much about such things as fair treatment and equality for everyone. They were so evident in his own conduct that no preaching was needed. In Tom's case, at least, these lessons were well learned. From the earlier sources available to us, and certainly in his present associations, the concepts of equality and brotherhood have always been guiding principles in Tom White's life. He points out that his father never forgot nor was ashamed of his own modest background. His mother had been a widow who reared her children under the Spartan conditions imposed by a rural setting in one of the northern Confederate States during the Civil War period. Luxuries and privileges of any kind were scarce for people living in rural Tennessee during those years.

Tom recalls his father telling about a Christmas when he was about ten years old. His Christmas present consisted of a single glass marble. He spent all Christmas Day shooting that marble at various objects around the house, since he had no other marbles at which to shoot. Tom feels that the limitations and lack of opportunities in his own early life account for his father's fixed determination that the poor and underprivileged should have the same consideration and treatment as the more fortunate.

Another one of the sheriff's rules was never to ask another person to do anything he would not do himself. He may well have learned this from his mother. She had had no one but herself to rely on when her children were small. One of Emmet's earlier recollections had to do with his mother as she stood in the doorway of their home with a rifle in her hands, arguing with a group of Union soldiers that they had no right to confiscate her mule and cows. The soldiers finally left without the White family's livestock.

It was this rule of conduct that led the sheriff to perform his own executions. At that time, a criminal who was condemned to death was executed in the county in which he had been tried and convicted. Since there was no professional hangman in Travis County, Sheriff White did his own hanging. Tom saw his father hang four men.

The first took a long time to die. The knot had either been positioned incorrectly or had slipped out of place so that his neck was not broken when he dropped. He just choked to death. Tom says, "He kicked and jerked around a long time. We were watching from up above there, and it seemed like he would never give up and die." It must be said that the condemned man was not the only one to suffer. Sheriff White never forgot that execution. The others he had to perform were models of planning and preparation. The scaffolding, trap, and rope were carefully tested with a bag of sand of the exact weight of the condemned man. Tom remembers that, for some reason unknown to him, it was thought that the criminal being executed should be dropped a distance exactly equal to his own height. This was also very carefully calculated. Everything possible was done to insure instant death.

On the occasion of another hanging, the boys noticed that there was an unusual delay. Everything seemed to be in order. The condemned man was standing in place with the hood on his head, his hands tied behind his back, and the rope was in place, but the trap was not sprung for some little time. Later, they asked their father about the delay. He explained that the man being executed had asked him not to spring the trap until he had given him the signal that he was ready, by nodding his head. That was the sign that he had finished his prayer and was ready to die.

Naturally, one wonders about the psychological effect on young children of witnessing scenes such as these we have described. No doubt many people would contend that it should not be permitted. Tom's wife Bessie is probably right when she says that the boys' mother would not have allowed it if she had been alive. Without taking any particular stand on the matter, it can certainly be said that these episodes had no apparent ill effect on Thomas Bruce White. One would need to go a long way before finding a person with a more wholesome outlook on life generally, and more compassion for his fellow human beings, than this son of Sheriff Emmet White — or Judge White, as he later came to be known.

Then, too, it must be remembered that we are speaking of a period of about eighty years ago, when the events of birth, life, and

death were much more personal — much closer to the average individual — than they are today. Babies were born and the sick, injured, and old died in the home. They were attended to, for the most part, only by members of the family and friends. Neither birth nor death had yet attained that impersonal nature made possible by our impersonal institutions of today.

At any rate, in the sheriff's viewpoint, the law which he had sworn to uphold decreed that certain crimes must be punished by death. When the state of Texas determined, through an appropriately selected jury and following proper trial, that a person was guilty of one of those crimes, and ordered that he be hanged, that order must be carried out. It was the sheriff's job to see that it was done. Since he had no professional hangman, and in line with his policy of doing the disagreeable jobs himself, he did what was necessary. If his sons wanted to see their father carrying out his duty, they were free to do so.

Life wasn't always serene for the sheriff and his family. There was the time when a young man whom the sheriff was placing under arrest asked for permission to get something personal from his trunk to take to the jail with him. Sheriff White gave his permission. The "something personal" proved to be a pistol, and seconds later it was being held at the sheriff's head. It was touch and go for a time, but after a bit the sheriff caught the prisoner off guard for an instant, disarmed him, and locked him up.

On another occasion, a man who was being placed under arrest pulled a knife and stabbed the sheriff in the back. In the struggle that followed, he was unable to get the leverage to drive the knife in more deeply — and fatally. In the meantime, the sheriff had got his thumb in the prisoner's eye. It was just about a stand-off, but when the prisoner's eyeball actually popped out of its socket, he gave up and turned the knife loose.

The things Tom remembers most vividly about that incident are his dad's bloody shirt, the prisoner's horrible looking eye as it dangled out of the socket, and the fascination of watching the doctor take off his celluloid cuffs before starting to treat the prisoner and the sheriff, in that order — at the insistence of the latter. The pris-

oner's eye was replaced but he did not regain the sight of it. The sheriff's stab wound healed in time and he was as good as new.

In addition to establishing himself as something of a legend in Travis County, especially in the field of law enforcement, Judge White seems to have begun a tradition of such service in the White family. The eldest son, Dudley, served as a Texas Ranger from 1905 to 1911, when he resigned to join the Houston city police force. He soon found city police work too limited in scope for his liking, and rejoined the Rangers. Except for a brief period when he served with the United States Mounted Customs Service, he rode with the Rangers until his death in 1918. In July of that year, he and Ranger Rowe were assigned to bring in two army deserters who were hiding out in the Big Thicket of east Texas. Both the Rangers were shot from ambush by the fugitives, who were cousins. Dudley was shot in the back and left to bleed to death. The killers were apprehended the next day, tried for the murders, and sentenced to death. Their sentences were later commuted to life imprisonment by President Wilson. When Tom became warden of Leavenworth Federal Penitentiary some years later, he found one of his brother's killers there in his custody. He never mentioned it to anyone, and the prisoner never knew his new warden was the brother of the man he had killed.

Coleman followed in his father's footsteps as sheriff of Travis County. James, known to everyone as "Doc," was a city policeman, Ranger, Customs Agent, Prohibition Agent, and FBI Agent, in that order. In the latter role he played a very significant part in the destruction of the Dillinger gang in Chicago. Tom reports that Doc killed one of the Dillinger desperados in spite of the "bullet proof" vest the gangster was wearing. Doc also assisted in the capture of Machine Gun Kelly, and took part in the famous gun battle in which the notorious Ma Barker and members of her gang were killed.

Continuing the White family law enforcement tradition into the third generation, Dudley, Jr., has been a Texas Ranger for many years, and Tom's own son, Thomas, Jr., is Chief Security Officer for a corporation which operates race tracks in New Mexico. He ac-

cepted this position after retiring from a twenty-seven year career as Special Agent for the Federal Bureau of Investigation. Robert, the other son, is a practicing attorney in Dallas.

The school attended by the White children when they were in the upper grades was in a building which had formerly served as the state capitol, and which overlooked the Governor's mansion. The governor Tom remembers best was Jim Hogg. Governor Hogg was never too busy or preoccupied with affairs of state to shake hands and pass the time of day with the boys, and inquire about their well-being. Of course this did not prevent them from making appropriate remarks about his size as related to his name, since he was a huge man. Nor did it keep them from referring to his two young sons as "the little pigs." Nevertheless, they admired him greatly, simply because he showed an interest in them.

On weekends the White brothers usually went to the Oak Hill ranch. They ordinarily walked the five miles to the ranch and then spent the day riding bucking horses and steers. Sometimes it got pretty rough. For example, there was the time Tom was thrown and his head struck a rock. It was quite serious, but the subsequent kidding about having had his brains knocked out was almost as bad as the injury. And there were the trips to Walker Springs and Barton Creek for delightful au naturel swimming parties! The return trip to Austin was usually made by buggy, powered by one small burro. Of course that meant that someone had to get the buggy and burro back to the ranch — and then walk back to Austin. It is no wonder that Tom, at ninety, can still walk two miles on El Paso's streets every morning — except on those mornings when he is walking around the golf course.

On the whole, the roots of the White boys went deep into that Oak Hill ranch. Of course, there was always Grampy and his understanding of boys. And there was Meedie and her pies. And there was room to just move around without getting in someone else's way! Someone has said that every city child should have grandparents on a nearby farm. Tom White would certainly agree.

Then Emmet's brother came out from Tennessee and began teaching at Southwestern University in Georgetown. He prevailed

upon Mayor White to send Dudley and Tom to Southwestern for some advanced education. The boys lived in a large home which had been converted into a rooming house and was completely occupied by college boys. Despite the best efforts of their uncle and the other faculty members, it is evident that the greater part of their education was obtained in that rooming house.

Not that they didn't furnish some education to others. Heat for the rooms was provided by fireplaces, and a constantly recurring question was, "whose turn is it to bring in the firewood?" Naturally, boys being constituted as they are, the question didn't come up until the fire was almost out and the wood supply exhausted. By then it was usually midnight and no one was eager to venture out in the cold. The wood bins were built in the walls between two rooms with a covered opening for each. Tom and his roommates soon discovered that they could easily take an extra chunk of wood from the common bin each time they got one for their own fireplace. They would lay this extra one aside for later use when the bin was empty. They had some hilarious times listening to the loud arguments in the adjoining room about who had failed to bring in his share of the wood. Winter was almost over before the fellows in the other room discovered they had been carrying wood for their neighbors all those weeks.

Weekends and vacations back home in Austin also provided some broadening experiences for the White brothers during this period. Father Emmet, as mayor, now had increased social as well as political responsibilities. Tom remembers particularly the times when his dad was host to President McKinley and, later, to Theodore Roosevelt. Emmet customarily wore a mustache but he shaved it off shortly before McKinley's visit to Austin. Sometime later a friend noted that he was allowing it to grow again. Emmet replied that he had noticed that, without it, he resembled President McKinley — and he certainly couldn't afford to be mistaken for that old Republican!

At the end of their second year of college, Dudley and Tom became a bit restless and decided to quit school and go into the cattle business. They did so by the simple expedient of signing a note at

an Austin bank for the purchase price of a thousand head of cattle, which they placed on the home ranch. After about a year, Tom got that age-old affliction of young men, the urge to get out and see some of the world. He turned his part of the cattle business over to Dud and took the train up to Oklahoma Territory. There he went to work for a construction company that specialized in building grain elevators.

After several months of working in Chickasha and several other towns in southwestern Oklahoma, he moved on to California, and settled down for a time in Los Angeles. He remembers that, for some reason, he had an all-consuming desire to run a trolley car, but he was never able to get a job with the transit company. As he recalls that overpowering urge to operate the trolley, one cannot resist speculating on the changes that might have been made in his life if he had landed the job he so greatly desired. At any rate, he finally settled for a delivery job with a furniture company. In this, he was at least working with one of his true loves, horses.

The incident that stands out above all else in his mind during his stay in California was his first encounter with a traffic policeman. Tom was going about his business of delivering furniture and, as he approached a major intersection, he saw this fellow standing out in the middle of the street, "waving his arms around in a funny way." Tom waved back at him and drove on. The traffic cop almost had a nervous breakdown at this flaunting of his authority and disregard of his orders. It took all of Tom's persuasiveness, probably assisted by his Texas drawl, to convince the officer that he was the first traffic policeman he had ever seen, and that he had no idea what his directions meant. He was finally allowed to proceed, with the admonition not to let such a thing happen again and with the assurance that he would be in real trouble if he did.

Tom insists that this incident had nothing to do with his conclusion that city life was not for him. Los Angeles was just too big and impersonal for his taste, being at that time a city of well over 50,000 people. Besides, his wanderlust had been satisfied and Texas looked better than any place he had seen. He decided to return to Oak Hill.

CHAPTER II

THE TEXAS RANGER

☞ FOR SOME TIME after returning from his wanderings in Oklahoma and California, Tom was content to stay at the Oak Hill ranch, helping Dudley work the cattle and generally keep the place up. There was plenty of work to keep them both occupied but they still took time out for fun. Strange as it may seem to some of us, they still regarded the business of matching wits, nerve, and muscles with a mean horse as recreation. Tom will admit that, when they had an unusually ornery horse or mule to break, they would choose a spot where the ground was soft, so the jolt wouldn't be quite so bone-shattering when they were finally thrown.

Then there was the stimulation of many philosophical discussions with Grampy to take up any otherwise idle moments. And Meedie could still make the best pies in the world, even without the boyhood game of swiping them while they were still warm. All in all, life at Oak Hill didn't suffer by comparison with that in Oklahoma or California.

Then John R. Hughes, known far and wide as The Border Boss, and the subject of a book by that title, suggested to Tom that he would make a good Texas Ranger. After some consideration and discussion, Tom enlisted in the Rangers and was assigned to Company "A," then stationed at Colorado City, under the command of Captain John A. Brooks.

We find in the book *A Pictorial History of the Texas Rangers* this account of Tom's brief career with that famous organization:

Thomas B. White has had a long law enforcement career, a career that spanned a period of over fifty years. He was a member of company "A" of the Texas Rangers during the first decade of the present century. Company "A" at the time was commanded by Captain J. A. Brooks. White's first assignment was to help break up a large cattle rustling operation in Kent County. Other assignments of importance during Ranger White's service included bringing to

justice a gang that had taken over the town of Bowie, and breaking up a bootlegging gang in Amarillo. Tom White's brothers, James C. "Doc" White and Dudley White, Sr., were also Texas Rangers. His brother Coley White was sheriff of Travis County, and his father served as sheriff of Travis County and mayor of Austin around 1900. Thomas B. White resigned from the service in 1909 to work for the Santa Fe Railroad as a special agent. A few years later he took the same kind of assignment with the Southern Pacific. White worked for the FBI from 1917 to 1927 and then for the next several years was employed by the Federal penitentiary system in administrative capacities at both Atlanta and Leavenworth.

As we shall see, a great deal of dedication, a variety of hard work, and no little excitement was packed into the period so prosaically described in that final sentence.

Tom was sworn into the Rangers at Austin, in the office of the Adjutant General of the state of Texas. He then proceeded by train to Colorado City where he joined his company. As one listens to him reminisce about those early days, recounting the experiences he shared with the other six men of his company, it is a bit difficult to retain the proper feeling of reverence for those supermen we are accustomed to think of as comprising the early Texas Rangers. They begin to appear as human beings with very human characteristics — both strengths and weaknesses. There was the practical joker, the gold brick, the fellow who drank too much, and the bully. There was no place, however, for the timid soul or the coward. The Ranger's job required men of utter self reliance and supreme confidence. It also demanded men of bravery or, at least, complete indifference to personal hardship and danger. Except for this common denominator, they ran the gamut of personality and character.

There was only one man in the company who actually enjoyed a gunfight and would go out of his way to get into one. In every town he visited he made a practice of inquiring whether there were any gun slingers or toughies around. If he received an affirmative answer, he would make further inquiries concerning the bad man's activities. If it developed that the local man was an outlaw and killer type, who had earned the fear of the townspeople and who had no redeeming qualities, this Ranger would look him up, pro-

voke a fight, and kill him. He justified his action on the basis of ridding the community of dangerous killers at no cost to the state. The fact that he was assuming the triple role of judge, jury, and executioner apparently did not bother him at all. He and Tom had many arguments on these points, since Tom himself represented the other extreme.

As a matter of fact, it is a source of the deepest satisfaction to him that, in a long career of dealing with criminals of every type, including the most desperate and depraved killers, he has never killed another human being. There were many times when he would have been justified in doing so, in the interest of his own safety, but he was always able to handle the situation without shooting to kill. It was always characteristic of him to avoid killing, even at the risk of losing his own life.

These two men with such opposing views — or instincts — concerning life and death were close friends. Each respected the viewpoint of the other without sharing it. One could wish that this quality were more common among people generally. Incidentally, consideration of their respective lives provides food for some thought. Tom White, by all outward indications, is truly enjoying these later years of life. At ninety he is remarkably alert and active, and is held in the highest regard by all who know him. By way of contrast, his gun-fighting friend, while still a young man, was engaged by some of the city officials of Houston to rid that city of a gang of outlaws which was threatening to get completely out of control. Tom's friend who, in the meantime, had resigned from the Rangers, requested his assistance in this project. Tom declined. The other man got together a crew and had them duly deputized. They proceeded to clean out the outlaw gang in the way they knew best and enjoyed most, with their six-shooters. During a shoot-out in the corridors of one of Houston's hotels the ex-Ranger was accidentally shot in the back of the neck by one of his own men. His head was literally blown off. Some might feel that this furnishes a suitable illustration of divine justice.

The men of Company "A," when they were "at home," lived in tents which were pitched on some vacant lots in Colorado City.

Their horse corral was immediately adjacent. It was a tight little community. They did their own cooking which Tom, in retrospect, concedes was pretty awful. He thought nothing of it at the time, but that was before he had been exposed to Bessie's cuisine. The Rangers took turns doing the cooking, with the rule that anyone who complained about anything that was served was automatically the next cook — beginning immediately. Naturally, this did nothing to prevent deliberate foul-ups by the current chef. There were many versions of the incident in which one such cook, eager to turn his job over to someone else, emptied the salt box into a stew, in order to insure a complaint. As the meal began, one unwary diner took a bite of the stew. He coughed, gagged, and made other sounds appropriate to the occasion. Finally, getting his breath, he exclaimed, "My God, that stew is salty!" Then, remembering the rules, he caught himself and added, "but that's just the way I like it." So far as we know, the cook who prepared the salty stew had to finish his stint at the cooking job.

Bacon and eggs appeared on the menu oftener than any other item, often three times a day. Everyone liked this old standby and even the worst cook in the outfit couldn't do much to ruin it. When the Rangers were on a regular patrol or scouting trip, their diet was pretty well limited to wild game, usually deer or antelope. "You didn't eat because it tasted good. You ate to get your empty belly full."

The pay of a Ranger at that time was \$40.00 a month — the same pay a cowboy received for doing regular ranch work. Tom is intrigued by the fact that his present pension from the Rangers' fund is more than the pay he received when he was actually doing the work.

He usually insists that nothing much out of the ordinary ever happened to him while he was serving as a Ranger, but now and then he will be reminded of an incident unusual or humorous enough to be worth the telling. One such episode occurred while he and two other Rangers were on a routine patrol. Their route took them across the Double Mountain River in an area they knew to be dangerous because of quicksand. One of the party walked his horse

carefully across the river while Tom and the other stayed on the near bank and watched, ready to go to his aid if necessary. When he had made it safely, he took up his stand on the far side, to guide and assist the other two as needed. They were to ride directly toward him, over the proven route. However, the second man failed to line up a landmark behind the man toward whom he was riding and, without realizing he was doing so, let the current push his horse somewhat off course on the downstream side. Before anyone was aware of what had happened, his horse was floundering around helplessly in the treacherous quicksand.

The packmule this man was leading sensed trouble and stopped, bracing his legs firmly against the pull of the rope with which he was tied to the Ranger's saddle. Then, when the Ranger was about to dismount (or was falling off of his horse, depending on who was telling the story), his boot and spur became caught between this taut rope and his saddle gear. In a second he was hanging upside down from his heel with his head under water. Tom spurred his horse up to the mule, whipped out his knife, and cut the rope. That released the other man's foot and he completed his dismounting operation, safely if somewhat ungracefully. In a moment he was on his feet in the waist-deep water, spitting, sputtering, and swearing. With the aid of Tom and his rope, the Ranger, his horse, and the pack mule were all brought back to an area of firm footing and the fording was successfully completed. The only casualty of the affair was one of the Ranger's six-shooters. While he was dangling by his heel both of his pistols slipped out of their holsters and fell into the water. He finally recovered one of them but the other, an engraved, pearl-handled beauty, could not be located.

One of Tom's early experiences has stayed in his mind very clearly these many years. Shortly after joining Company "A" he was assigned to accompany Captain Brooks and Sergeant Dunaway on an expedition up into Kent County where some cattle rustlers were giving the ranchers a lot of trouble. There was little doubt as to the identity of the thieves. They were two brothers who were known to the community, but they were tough and mean and most people had no desire to get involved with them. Besides,

there was the matter of proving their guilt. Therefore, the call to the Rangers for help. When the three men got to Clairemont, the county seat, Captain Brooks went to make some local contacts, while Sergeant Dunnaway and Tom went to a store to buy provisions. They tied their horses in front of the store and Tom followed the sergeant inside. Presently, Dunnaway asked Tom where his Winchester was. Tom replied that it was in his saddle scabbard on his horse out in front. The sergeant then proceeded to give him a lecture on the Texas Ranger and his guns, and admonished him severely for leaving his rifle where he couldn't get at it immediately. As he explained it, "You don't never do that! Always take your guns with you. It don't make no difference where you go, always keep your guns right with you. Go get your Winchester right now and bring it in here, and keep it right with you all the time." Tom says simply, "and I did."

The advice Sergeant Dunnaway gave Tom was apparently quite sound. It developed that the rustlers were in town all the time. They knew the Rangers were in town and why, and they figured their best chance was for these outsiders to turn up dead without anyone being able to prove who killed them. As Tom says, "They kept dodging around, watching for a chance to shoot us, but we kept a close watch on them and were careful not to give them the chance they were looking for."

The Rangers finally got enough evidence to arrest the brothers, and brought them to trial. The thing that made their operation a bit unusual was that they were, on the surface, legitimate ranchers themselves. Their brand was The Ladder. This was a crude five-rung ladder with heavy side rails. It happened that one of their neighboring ranches, which was also their favorite source of free beef on the hoof, was the O Bar O. This brand was arranged vertically, with one large letter "O" over the other, and the two separated by a short horizontal line. The enterprising brothers at the Ladder had discovered that they could convert an O Bar O brand into a passable Ladder by burning a heavy line down each side of the former. This was much more profitable than raising or buying their own cattle, but the owners of the O Bar O didn't approve of

the practice and had sent out the call for the Rangers.

During the trial, Sergeant Dunnaway went out to the Ladder ranch, shot one of the cows bearing the altered brand, and brought into court as evidence the portion of the hide carrying the brand. The defense objected violently to this act of lawlessness — destroying the property of the accused — but the court held that it was not in fact the property of the accused, as shown by the obviously altered brand. The cow was the property of the O Bar O and, since the owner of that ranch did not object, the hide was admitted as evidence. The two brothers were finally convicted and sentenced to terms in prison.

On another “sashay” the Rangers camped on the Pecos River at a place known as Gunchesterville, because of its popularity as a hangout for rustlers and other outlaws. A group of train robbers had been reported in the area. They had robbed a Texas and Pacific train just east of Colorado City and the Rangers had been looking for them for some time. However, the biggest hazard in the vicinity turned out to be the numerous rattlesnakes with which they shared the camping ground. It was common knowledge that, during cool nights, the rattlers sought out the warmest places they could find, such as a Ranger’s occupied bedroll.

Tom assures us that it is quite a sensation to awaken in the night with the feeling that your sleep has been disturbed by some ever-so-slight movement such as might be made by a slithering diamond-back rattler seeking the warmth of a Texas Ranger’s body. You’ve got to turn over and provide a little relief for those aching bones and muscles you have been lying on for hours. But, *was* that a rattler? And if so, where is he now? Do you feel around carefully with your hand, before changing position? Or do you just roll on over, hoping for the best? There just doesn’t seem to be a good answer. Finally, the boys discovered an old wagon bed someone had discarded years before. With the use of some rocks they were able to get it up off of the ground far enough to be safe from the dreaded rattlers. That left only the train robbers to worry about.

They found the robbers, too, but things didn’t work out right.

In Tom's words, "The outlaws were so nervous and restless they never took the saddles off of their horses. When we finally found their camp, late one night, they had their horses right by them, saddled and ready to go. We didn't have enough men to surround their camp completely, and before we could get up to them they discovered us and got to their horses. There was a lot of shooting but it was pretty wild and they got away in the darkness. However, some of the other boys got them soon after that, and they were prosecuted and went to prison.

This business of man-hunting and gun fights at night brings up another subject. We find that the "good guys" don't always wear white hats and ride light colored horses, contrary to what the movies would have us believe. They just don't care to give the outlaws the big advantage of providing them with easily seen targets at dusk or in any kind of poor light. A white stocking or blaze on a Ranger's horse (or a beautiful white hat on the Ranger) could easily make the difference during a night-time gun battle. Tom's favorite horse was "Blacky," chosen for just that reason. Blacky had one little hang-up, though, that gave Tom and his partners some trouble for a time. He could not stand to be tied or hobbled at night. He would jerk, kick, snort, and generally raise such a fuss all night long that no one could get any sleep. Tom finally learned to just put a rope around Blacky's neck and let it hang loose, without tying it to anything. Black didn't object to that at all. He would stand quietly all night and at day break would come over and nuzzle Tom to awaken him for the day's work. One wonders if he might have been related to Jim, Grampy's big sorrel.

Another interesting assignment took Company "A" to the San Angelo community. Word got around that a prominent San Angelo man was harboring rustlers and outlaws from all over the country. As Tom describes it:

"It was a peculiar deal. This fellow just put out the word that any man who needed a place to stay for awhile would find it at his ranch with no questions asked. The guy would have a nice safe place to live, and plenty of good food, with no questions asked

about where he was from or what he had been doing. In return, he would be expected to punch cattle and help with the general ranch work. This rancher also had a little hotel or rooming house in San Angelo, with a saloon in it, so he had plenty of contacts with outsiders, and a lot of guys took him up.

"When we got word of this deal, he had a whole bunch of 'wanted' men out at his ranch. It was just like an outlaws' convention. We rode out and surrounded the place and sent word for them to give themselves up. Some of them wanted to shoot it out and for a time it looked like we were in for a real gun battle. They saw that we were ready for them, though, and decided they had better not start anything, and finally all gave themselves up without a fight. We took the whole bunch into San Angelo and jailed them. They were tried on different charges and I believe every one of them went to the penitentiary.

The next important job was in Montague County where the lawless element had a whole town on its side or, more accurately, had taken it over. The Rangers went in and made some arrests, only to have the mayor deny them the use of the local jail in which to confine their prisoners. They solved that problem by making use of the main street hitching rail. When a Ranger made an arrest, he would bring his prisoner down to the hitching rail and handcuff him to it, in full view of his fellow townsmen, pending his removal to the county seat. No one was kept handcuffed to the rail for long — just long enough to be seen by his cronies. It wasn't long before the mayor invited the Rangers to use his town jail.

Then the friends of the outlaws (bootleggers, gamblers, and general racketeers) secured writs of habeas corpus and served them. The Rangers immediately released their prisoners in response to those writs then quickly rearrested them on new charges. This game was continued until most of the undesirables became discouraged and left town — which was what the Rangers had intended to happen all along. They had decided that they would not be able to secure convictions because of the local situation of tie-ins and payoffs. Also, the violations were more or less petty in nature,

so they had deliberately adopted the campaign of harassment to break up the gang and drive its members out of the community.

Along with the cattle rustlers, the ever-present wire cutters kept the Rangers of "A" Company occupied on pretty much of a continuing basis. This latter group was made up, for the most part, of otherwise law-abiding citizens whose objection to the fencing in of the open range was so strong as to overcome their better judgment. Nevertheless, the cutting of fence wire was a serious crime and, when there was a rash of it, the Rangers were summoned. More often than not they were unable to locate the culprits, but their presence served as a deterrent. This activity, along with the very nature of all of their work, kept the Rangers on the move constantly, so that it was no life for a married man. And Tom White had decided to get married. While Company "A" was stationed at Weatherford he had met Bessie Patterson, and by the time his outfit had moved on to Amarillo they had an understanding. That understanding included a provision that he get a job where he could be home occasionally. Also, Tom's arithmetic had convinced him that \$40.00 a month take-home pay was not enough to support a family, even in 1909.

One suspects that Tom's decision to change jobs was also hastened by the tragic death of his friend and frequent partner in the Rangers, Doc Thomas. The two had been working on an assignment to break up a bootlegging ring which was operating in the Panhandle and, in doing so, had incurred the ill will of a number of supposedly responsible citizens. It was the old story of "respectable" tie-ins with illegal activities which were so common during the prohibition era. In any event, one day one of these respectable citizens, a law enforcement officer himself, walked into a county office where Doc was sitting and, without a word, shot him through the head. There was what passed for a trial but the charges against the killer were dismissed. Tom's emotional struggle was brief but violent. Should he stay on and attempt to avenge Doc's death, or should he keep his promise to his fiancée? In the end, he decided to accept the job he had been offered by the Santa Fe railroad as

Special Agent, with headquarters in Amarillo. That settled, he made arrangements to return to Weatherford for the wedding.

Bessie Patterson and Thomas White were married in Weatherford at 7:30 A.M. on Sunday, October 17, 1909. When questioned concerning the unusual hour, Bessie explains that Tom had to be back in Amarillo Monday morning to go to work. They had their choice of leaving Weatherford by an early morning train or by one which departed at 2:30 P.M. Since everyone in Weatherford came down to the depot to see the 2:30 come in on Sunday afternoon, and everyone knew both the bride and groom, she knew they would be subjected to a rousing — and rowdy — send-off. Hence the decision to have a very early wedding and slip away quietly on the morning train.

CHAPTER III

RAILROADS—FBI—AND ATLANTA PRISON

§ WHEN TOM CHANGED JOBS, the Whites realized one of their fondest hopes. They now had a place they could call home, and a much more stable pattern of living than was possible when he was serving with the Rangers. He still had to travel a great deal — they faced this situation for many years — but his travel was now of a more planned and systematic nature, and infinitely more comfortable than riding a horse through the sagebrush and cactus country of southwest Texas.

Bessie took a job with Hendricks and Boyce, a well-known law firm. This kept her occupied when Tom was away from home — until the arrival of Thomas Jr. Then she needed nothing else to keep her fully occupied.

Tom, in the meantime, was finding his new job most challenging and, in a sense, somewhat disillusioning. Up to this time, he had been concerned with tracking down and bringing to justice men who were frankly outlaws, many of whom were guilty of crimes of violence. Although they were criminals and many were dangerous, there was still a certain "honesty" about them. In many cases they were known for what they were, be it cattle rustler, train robber, or just plain killer. And in most cases — even the brothers who owned the Ladder brand, for example — they were laying their own lives on the line when they committed their crimes. Although they do not earn our admiration, we can at least recognize their personal courage.

Now, Tom's main job was that of protecting his employer against false and fraudulent civil claims for damages. Many of these false claims were made by people who were considered to be completely honest and respectable citizens. The kind of cheating and dishonesty which was practiced by these people in making claims which were clearly false was particularly odious to Tom because of his own high ethical standards. He regarded such chiselers with far

more contempt than the rustlers and horse thieves who had previously been his adversaries. As he says, "I'd rather see a man take money from his victim at the point of a gun than to use lies and cheap trickery."

There was the man, for example, who claimed that a falling bar had struck him on the head and severely injured him while he was employed by the railroad. He swore that, as a result of this injury, he had completely lost his sense of balance and was unable to walk without staggering and often falling headlong. During the trial the poor man was constantly assisted by two husky attendants, one on either side, to keep him from falling. It was a pitiful sight and his lawyer, a former Congressman, made the most of it in his appeal for the exorbitant sum for which he had sued.

Tom's investigation of the case had convinced him that the severity of the injury and the nature and extent of the alleged disability had been greatly overstated. During the course of his inquiry, he discovered that the injured man had spent some time at a small town in New Mexico between the time of his accident and the trial. On arriving at this town, he found that the plaintiff had spent most of his time while there working on construction jobs, including roofing and shingling buildings. A number of co-workers reported that he had had no difficulty in walking, climbing, or working at heights, up to the time immediately preceding the trial. They agreed to testify, and Tom called for a special train to take them to the town where the trial was being held.

It was a dramatic moment when Tom and his witnesses met the plaintiff, his attendants, and his attorney, the next morning on the way to the court house. The witnesses greeted the "injured" man, expressed surprise and concern at his apparent condition, and wanted to know what in the world had happened to him since the last time they saw him. When court opened, the attorney immediately requested a recess, held an earnest consultation with his client, and suggested to the attorney for the railroad that they consider a settlement. He quickly accepted the initial offer made by the railroad, which was a small fraction of the amount originally demanded.

In another law suit, brought by a plaintiff who had lost both legs when he fell under a train, the charges revolved about the medical treatment provided by the railroad. It was claimed that the injured man suffered from neglect and grossly inadequate treatment. Tom went to the hospital and interviewed the nurses and other personnel. After satisfying himself that the patient had received excellent care, he made arrangements for a special train to take his witnesses to Canadian, Texas, where the trial was in progress. Upon presentation of the testimony of his witnesses, including several nuns who had personally provided nursing care to the patient, the case was decided wholly in favor of the railroad.

A somewhat different type of case involved the deaths of several hundred head of cattle which belonged to one of the biggest ranches in Texas. These animals began dying while on a train operated by Tom's employer. After they had reached their destination and had been unloaded, many more died. Of course the railroad was sued. Investigation and later testimony proved, however, that the deaths were caused by faulty dipping techniques used by the ranch employees just before the cattle were loaded for shipment.

These and other cases, some involving sabotage of railroad property during a period of labor disturbance, in which Tom represented the Santa Fe and later the Southern Pacific railroad, added a great deal to his store of knowledge about people and their behavior, particularly their conduct in relation to the law. He also gained much valuable experience in planning and carrying out investigative activities. He can cite many instances in which an apparently insignificant little detail, easily overlooked or ignored, turned out to be the vital point in arriving at the truth and determining what had actually taken place. This experience has undoubtedly contributed a great deal to his later success in carrying out investigations where others have failed.

When Tom went to work for the Southern Pacific, the Whites moved to San Antonio. There, son Robert was born. Sometime later, they were transferred to El Paso. Bessie has not forgotten her first impression of "The Pass of the North." She reports that she looked around at the little town which was then El Paso, and up at the

Franklin Mountains, "as bare as the back of my hand," and decided that it just had to be the ugliest, most God-forsaken place in the universe. Somewhere along the line, as happens with so many people, she must have changed her mind, discovering that there is an austere beauty even in the rugged Franklins. At any rate, when the time finally came to choose a retirement home, El Paso was the odds-on choice of both Bessie and Tom.

Tom was keenly disappointed when he was found to be unacceptable for military service in World War I, as a result of surgery which he had recently undergone. This made the offer of a position with the Federal Bureau of Investigation doubly attractive when it was received. He felt that service with the FBI would enable him to make a contribution more nearly related to the war effort than was possible in his work with the railroad. Then too, he had noted for some time the gradually changing pattern of law enforcement activities. The rapidly increasing amount of interstate travel — of people and merchandise — had been posing ever-increasing jurisdictional problems for local and state law enforcement agencies. Congress had recognized this difficulty in a number of instances by bringing certain criminal acts which transcended state boundaries under Federal jurisdiction. This seemed to promise a continued growth in the size and importance of this young Federal investigative agency and, as we have seen, Tom had already shown keen interest and a marked competence in the area of criminal investigation. So, when he was offered a position in the El Paso FBI office, he accepted without hesitation.

The investigative activities of the FBI at that time were largely concerned with interstate shipment of stolen merchandise, and violations of the Dyer and Mann Acts — the law forbidding the interstate movement of stolen automobiles and the so-called White Slave law, respectively. Investigation of draft evasion cases was also quite common. The huge nation-wide crime syndicates so prevalent in the twenties had not yet made their appearance to any marked degree, and the big, spectacular "crime-busting" cases were still in the future. Nevertheless, life with the FBI was an interesting one for Tom. He remembers particularly the case in which his office

rounded up and arrested a group of seven men on charges of illegal shipment of arms and ammunition to the revolutionary forces in Mexico. One of the seven was an interesting and colorful descendant of Agustin Iturbide who, it will be remembered, reigned briefly as Emperor of Mexico in 1822-23.

Presently, due to a changing workload in the FBI, the Whites were faced with another move, this time to Houston, where Tom was placed in charge of that office. He was also designated as FBI Inspector for the southern and western states. He was one of the first men to be named as Inspector and, in this capacity, was called upon to inspect Offices of the Bureau in such widely separated cities as Atlanta, Saint Paul, Minnesota, and Portland, Oregon.

He was also called upon, now and then, for a special task of one kind or another. One such assignment took him to Savannah, for the purpose of breaking up Willie Harr's liquor running empire. Willie had a fleet of boats which he used to bring booze in from Cuba, the Bahamas, or wherever he could buy it. Then, when he landed it at various ports in the southeastern part of the United States, it was loaded into his private fleet of trucks for distribution throughout the country.

When Tom and his fellow agents closed in on the gang in Savannah, they made a number of arrests. Then, when they were about to close the case out, Tom received a tip as to the whereabouts of some of Harr's operating funds. He made the raid and found a locked safe which he confiscated. Calling in a locksmith, he had the safe opened and counted out the contents, \$70,000.00 in U.S. currency. As he says, that went far toward paying the cost of the investigation and prosecution. It also helped in breaking this one of the earlier crime syndicates, which were beginning to flourish in increasing numbers.

Another special assignment came during the autumn of 1924, while Tom was on a routine inspection trip through the western part of his territory. He was in New Mexico when he received a telephone call from his Houston office, telling him that telegraphic orders had just been received directing him to report in Washington for a conference with FBI Director J. Edgar Hoover. He

took the next train for Washington and, upon his arrival there, some thirty-six hours later, went directly to Mr. Hoover's office. The two then proceeded to the office of Harlan F. Stone, the U. S. Attorney General.

The conference had to do with the Federal prison at Atlanta, Georgia. The Attorney General had received some disturbing reports of irregularities and improper practices in the operation of the prison. It appeared that, if the charges were true, the warden himself was involved in illegal activities. The Attorney General had consulted Mr. Hoover and the latter had recommended that Tom be designated to investigate the situation. After some discussion it was decided to have the suspected warden report to Mr. Stone's office in Washington, and Tom report to the Atlanta institution simultaneously. The warden would be relieved of his responsibility and Tom, in Atlanta, would present his orders from the Attorney General, designating him Acting Warden, with authority to conduct a complete investigation into the operation of the prison. Mr. Stone also decided to send his assistant, Col. W. J. (Wild Bill) Donovan, with Tom, to assist in the investigation. At Tom's request, the Secretary of War ordered the commander of the army post near Atlanta to furnish any military assistance which might be needed.

When Tom arrived at the Atlanta prison, on October 1, 1924, he found the place a veritable hotbed of rumors, accusations, counter charges, and intrigue. It seemed that almost every one of the 2500 prisoners wanted an interview with the new acting warden. There were charges of mistreatment and favoritism, bribery, and corruption of every description.

It was quite apparent that Tom and his investigators were being watched very closely, both by the prisoners and the prison employees and officials as well. The former warden had obviously had cliques and "in groups" who were hoping to maintain their status, while those who had not been so favored were hoping to establish themselves in the inner circle. But no one knew where the power center was or just how it was going to shift — they were trying to guess "which way the ball was going to bounce." It was clear that

Tom was going to have to play it right down the middle and, like Caesar's wife, avoid even the slightest appearance of evil. But of course that was his usual way of behaving. As he describes the situation, "I was really on the hot seat."

It was not only Tom who was affected by the climate of suspicion, intrigue, and dishonesty. Bessie and the children were made to feel very clearly that they were intruders who were not wanted in the community. Some of the prison officials who were under investigation were very popular locally, and any outsider coming in to cause trouble for them was most unwelcome. Things finally became so unpleasant that Bessie took the boys out of school and went back to Houston with them, while Tom stayed on and took care of his assignment. It was probably just as well that his family left. Tom would have seen very little of them in any case, since he spent most of his waking hours on the job and, as he says, "I didn't need much sleep in those days."

It should be remembered that this was during the era of highly organized criminal syndicates, centered, for the most part, about the lucrative bootlegging racket. Bribery of local politicians and law enforcement officers was all too common. This created a situation where the Federal officers were frequently unable to obtain the cooperation of local officials. As a matter of fact, the racketeers were often tipped off by these officials to impending raids by the Feds.

Some of the bootleggers and other racketeers had amassed so much money and power that a prison sentence had very little effect on their way of operating. They simply continued to direct their activities from their prison cells. And, as the FBI investigation continued, it became evident that even the Federal officials were not above corruption. As Tom and Wild Bill Donovan continued their inquiries, interviewing dozens of prisoners and employees, they heard stories of favors extended to some of the wealthy and influential convicts which they found hard to believe, but the evidence was conclusive. The information which Attorney General Stone had received was all too true. This passage from

The FBI Story, by Don Whitehead, is typical:

As the FBI agents went deeper into the operations, they uncovered a conspiracy in which well-heeled convicts were paying prison officials from \$15.00 to \$5,000 for "soft jobs" and prison privileges such as the right to gather over the Warden's garage and play \$50-a-card poker. But most shocking of all was the fact that the prison's chaplain was deeply involved in the bribery.

Warden Sartain and other prison officials tried to block the inquiry. Witnesses were intimidated and efforts were made to induce prisoners to repudiate the information they had given to the agents. But despite the opposition, the agents developed the inside story.

The chaplain broke down and confessed. He told agents that on one occasion he went to an Atlanta hotel and met representatives of a gang of Savannah rumrunners who had been convicted of violating the Prohibition laws. They agreed to pay \$10,500 after the chaplain's assurances that seven of the convicted men would be given special treatment when they entered the prison. Later, the chaplain said, he went to Savannah with one of Warden Sartain's friends, Laurence Riehl, who collected the money and then gave him \$2,100 as his share.

George Remus of Cincinnati, known as "King of the Bootleggers," and Emanuel Kessler of New York, tagged "The Millionaire Bootlegger," told agents they paid prison officials from \$2,000 to \$5,000 for special food, special sleeping quarters, and preferred treatment. Two big-time bootleggers said they paid \$2,500 for the privilege of having their meals served in the chaplain's quarters.

And so on and on. Tom and his crew were told of prisoners who had suites in downtown hotels where they maintained extensive wardrobes and large stocks of expensive liquor. They used these rooms to throw wild parties, with Atlanta's more expensive "shady ladies" as their guests. Some of the underworld elite had even imported female talent from some of Broadway's better known shows for their personal entertainment in these clandestine — and illegal — parties. One of the convicts who had been enjoying these privileges was the same Willie Harr who was a long term guest at Atlanta as a result of the Savannah raid in which Tom had played the key role. For a price, he had spent many nights on the town when he was supposed to be in his cell. The information Tom and

Wild Bill Donovan got from Willie was most valuable in putting together a picture of what had been going on. In addition to what might be called "passes," there were stories of escapes which could only have been successful with the connivance of prison officials, or in the face of unbelievable incompetence on their part.

Some of the prisoners and employees naturally tried to curry favor with the new Acting Warden by telling him all they knew — and a great deal more. Others were inclined to throw out thinly veiled threats of what might happen if he didn't go along or got too tough. Tom did not give the impression of one who would frighten easily, however. He was six feet four and weighed two hundred and fifty pounds at that time. And, as he says, he never did know enough to be easily scared. So the threats and suggestions along this line were not very actively followed up. And all hints as to how easy life would be for the new warden if he went along with the system were just met with a blank, uncomprehending stare.

Some interesting incidents occurred during the inquiry which had no direct bearing on the investigation itself. One such episode had to do with an attempted escape. At the end of a particularly harrowing day, a Captain of Guards brought Tom a report that two prisoners were being held in the isolation ward. They had been caught attempting to go over the wall with a collapsible ladder they had built from materials they had stolen while working in the machine shop. When Tom approached the ward where the prisoners were being held he saw that the guards were slapping them around and generally treating them pretty roughly. That really "got his dander up." It went against everything he had ever been taught about treating people fairly. He reprimanded the guards in no uncertain terms, and told the captain that he would never, under any circumstances, tolerate any mistreatment of prisoners. He could tell, from the reaction of the guards and the captain, that this was an entirely new concept to them. As a matter of fact, Tom tells us that he frequently encountered, in those early days, prison officials and employees, as well as members of the public at large, who had difficulty in thinking of convicts as people. The idea that these criminals had feelings and needs, and especially that they had

rights as human beings, was difficult for those people to grasp.

At any rate, after the guards had been admonished and Tom was certain that they knew exactly where he stood on the subject of the treatment of prisoners, the two would-be escapees were searched, had their personal belongings taken from them, and were placed in solitary cells. One of them, a Spaniard, was given permission to keep his Bible, which was printed in Spanish.

The next day the other man, who happened to be a Belgian, sent word to the warden that he would like to see him, in order to give him some important information. Arrangements were made and he was escorted to the warden's office and left alone with him. In a very halting and uncertain manner he tried to express his appreciation for Tom's action in stopping the punishment the guards had been inflicting on him for his attempted escape. He then went on to say that he thought he could return the favor by letting the warden know the whereabouts of a prisoner who had escaped before Tom had arrived. The fugitive was Gerald Chapman, a notorious criminal who had spent most of his adult life in prison for a variety of crimes. His escape had been widely publicized and his name was on every "wanted" list in the country. Naturally, Tom was excited at the thought of getting information which might lead to his recapture.

The prisoner said he would need the Spanish Bible which belonged to his former cell-mate in order to get the information he needed about Chapman. Somewhat mystified, Tom sent a guard for the Bible. When it was brought to the office and given to the Belgian, he asked for a glass of water and a bottle of iodine. Still more puzzled, Tom had these items provided. The prisoner put a few drops of iodine in the water, stirred it with his finger and then, with a bit of cotton, moistened the fly leaf of the Bible with the mixture. Immediately, some writing appeared on the page. It consisted of three different addresses. The Belgian assured Tom that Chapman would be found at one of those three locations. He insisted that he did not want any part of the large reward that had been offered for information leading to Chapman's capture. He was giving the information only as an expression of his appreciation for

the humane treatment the new warden was giving to the prisoners, and, as he said, "For the good of everyone."

Tom immediately called J. Edgar Hoover and gave him the information he had just acquired. Mr. Hoover said he would have all agents alerted at once and be in touch with him as soon as he had something to report. A couple of days later Hoover called back and said that Chapman had been picked up at one of the addresses Tom had given him. He was then on his way back to Atlanta in the custody of FBI agents and officers from Muncie, Indiana, who had participated in the capture. Tom called the railroad officials and made arrangements for the train to be stopped about ten miles outside of Atlanta, where prison officials took custody of the prisoner. This was done to lessen the possibility of difficulty in returning the escapee to the institution, due to the large crowd which might be expected at the station because of his notoriety and the publicity attendant upon the whole affair. And, of course, there was always the possibility of a break engineered by Chapman's friends. As things turned out, the gangster was back in his cell before the large crowd of curiosity seekers, news media representatives, and any friends he may have had waiting for him knew what had happened.

Tom's description of the events surrounding Chapman's return to prison give us an interesting sidelight on criminal psychology. He was welcomed as a conquering hero or, as one of the prison officers phrased it, as "the star of the show." He appeared to be perfectly happy with the turn of events. And why not? He had created quite a sensation and for some time had completely outwitted the law. Now he was back home, among his own kind of people, graciously accepting the welcomes and expressions of admiration which he had earned through "honest" effort.

This is a simple illustration of one of the basic difficulties in persuading the outlaw to become a law-abiding person. As long as he has the acceptance and approval — even, as in this case, the wholehearted admiration — of his peers, why would he want to change? The need for acceptance is fundamental. Wouldn't Chapman, or any other successful criminal, need reasonable assurance that he could gain acceptance by a new peer group, that is, the law-abiding

element, before he could be persuaded to reject and desert the group where he is now accepted and approved? And, historically, this gaining of acceptance into "respectable" society by an ex-convict is extremely difficult to come by. This problem, which has received so much attention in recent years, had scarcely been recognized, except by a few far-sighted people, at the time of Chapman's escapade. We shall see later, in the Red Rudensky case, an outstanding example of a successful resolution to this classic dilemma. But tragic failures are still all too common.

This man Gerald Chapman and his sometime partner "Dutch" Anderson are among the group of convicts, of the thousands with whom Tom White worked, who aroused in him an unusually intense interest. This is evident from his extensive knowledge of their lives and criminal activities, and his memory at this late date of so many details concerning them. He describes Chapman as a small man, completely undistinguished in appearance and manner. He would be one of the last to be picked out of a group as being the confirmed criminal and killer he actually was. From his first conviction in 1907 on a charge of grand larceny to his death by hanging on April 25, 1926, for the murder of a New Britain, Connecticut, policeman, Gerald Chapman spent most of his time in prison. This confinement, however, was far from being a rehabilitating influence. The evidence clearly shows that he spent his prison time in planning and organizing his next crime, to be committed as soon as he was released or could escape. It was in Auburn prison, for example, while he was doing an eight year stretch for armed robbery, that he met Dutch Anderson, with whom he formed a close alliance and planned his next job.

Dutch was evidently quite a person himself. He came from a family of considerable wealth and influence, and had received a college education and all the other benefits offered by upper middle class American society. He had a pleasing personality and a convincing manner, and was the kind of man who would apparently have been successful at almost anything he undertook. The compelling thing in his life, however, was the trait he shared with Chapman: he had an utter disdain for the law. Both of these men con-

sistently showed a preference for violating the law, even when they could accomplish their purpose legally. As Tom puts it, they would break in through the window and steal something which would be given to them if they went to the front door and asked.

By the time these two delightful characters had completed their terms at Auburn, they had perfected the plans for their next crime. They hoped to make this one of the biggest robberies of all time. As it was finally pulled off, after days of careful observation and meticulous planning, the robbery was committed with ridiculous ease. When the driver of the armored mail truck they had selected as their target stopped for a traffic light, Chapman opened the door, slid in beside him, shoved a gun against his side and gave his orders. He directed the driver to the little side street where Dutch Anderson and another partner, Charlie Lorber, were waiting. When the truck reached that point, Chapman trussed up and gagged the driver while the other two men were transferring the mail sacks to their own car. After leaving the scene they made one stop, to change license plates, and then completed an uneventful trip to their hiding place. There, they counted out their loot. It amounted to \$2,643,720.00!

The trio used their new wealth to hide out — if it could be so called — in a luxurious New York apartment. There, under assumed names, they gave many sumptuous parties at which they entertained many of the most prominent people of the city. Chapman even adopted a phony title and posed as an European nobleman. He actually enjoyed this deception more than the luxuries he was able to buy with his riches. He often chuckled about it in later years when, once more at home inside the familiar prison walls, he entertained his fellow convicts with the story.

He also derived a lot of satisfaction from the hue and cry over the robbery and from being the object of such a massive manhunt. One source of particular pride to him was the unusually large reward — \$25,000 — which was offered for his capture. This was equal to being enshrined in the hall of fame or listed in the social register. He often visited post offices and other public buildings where the reward posters were displayed so he could enjoy the crowds of

people studying them and discussing the robbery. No actor, seeing his name at last emblazoned in lights on the theater marquee after years of struggling in minor parts, could have been more thrilled than Chapman was at this recognition of his artistry. This was definitely his masterpiece and he made the most of it.

One wonders how long these men would have escaped detection if they had been content to rest on their laurels. But of course they were not. During one of their spectacular parties they managed, in some way, to relieve one of the guests of a \$60,000 pearl necklace. The investigation of this robbery disclosed some interesting discrepancies in the lives of the three big spenders who had been entertaining so lavishly. Soon Chapman and his partners were on trial for the mail truck robbery. Their convictions resulted in twenty-five year sentences for each of them in Atlanta Federal prison.

Anderson's term, as well as Chapman's, was interrupted by a brief period of freedom. Soon after Chapman's escape, Dutch also made his getaway in what was planned as a wholesale evacuation of the prison, but which went sour at the last minute. The mass break was to be accomplished through a sixty foot tunnel which was dug over a period of several months. It began in a small camp in an area back of the prison yard, where convicts suffering from tuberculosis were housed. After going under the wall it terminated in a grassy plot outside the prison grounds. The dirt excavated from the tunnel had been scattered through the flower beds in the prison grounds, and the outer end had been left covered with the turf and a thin layer of top soil, so it could be opened at a moment's notice. Unfortunately for the elaborate plan, a heavy rain caused the exit end of the tunnel to cave in shortly before the time set for the big break. In a hurried, makeshift rearrangement of plans, only a few of the men were able to make their escapes. Dutch Anderson, who was one of the principals in the project from the beginning, was one of those few. Like Chapman, however, his freedom was short-lived and he was soon recaptured and brought back to finish his sentence. Shortly after his final release he was shot to death in a gun duel with a policeman, who was also killed. Anderson's violent death in October, 1925, and Chapman's execution a few months later provide

fitting climaxes to the careers of these two sordid characters. It is tempting to speculate, however, on the reasons for the difference between their destinies and that of Red Rudensky, mentioned earlier, and of whom we shall hear more. Chapman's background, in particular, seems to be similar to Red's. They also appear to have had common reasons for engaging in criminal activities — thrills, competition, achievement, recognition — and yet, their fates were poles apart.

Acting Warden White was not unduly concerned about the bona fide escapes which were contrived by the wits and resourcefulness of the prisoners. They were just a part of the constant game of wits between the prisoners and the officers. It was to be expected that the convicts would sometimes win. The occasional successful break, with its accompanying fanfare of publicity, often results in disparaging comments concerning the ability of the prison personnel. Any penologist knows, however, that these rare successes are greatly outnumbered by the many escape plans and attempts which are thwarted by the vigilance of these same men, with the public being none the wiser. The escapes which aroused Tom's real concern were those in which bribery and corruption appeared to play a part. One must agree with his conclusion that, "when one of those criminals was deliberately allowed to escape as a result of a pay-off, and then committed a crime, maybe including murder, the one who let him escape was just as guilty as the convict, and with less excuse."

At last the investigation was completed and Tom made his report to the Attorney General through his own boss, J. Edgar Hoover. As a result, the warden whom Tom had relieved was indicted and tried on the specific charge of accepting a bribe of \$25,000, for which he had allowed five of his prisoners to leave the prison almost at will. He was convicted and sentenced to serve a term of eighteen months in his own prison. Tom was worried at the prospect of having a former warden serving time among men over whom he had exercised so much authority. Some of these men were toughs of the first water, and were capable of going to any length to get even for mistreatment, whether real or imagined. He closely queried a number of the inmates whom he had found to be leaders

among the group. In answer to his questions as to how the former warden would be accepted and treated by the other prisoners, the usual answer was, "Don't worry. He won't be bothered. We figure he's just another old crook like the rest of us."

Tom feels that the most important result of his work at Atlanta was the part it played in placing the position of Federal Prison Warden in the career service, so that, in the future, they would be chosen on the basis of training and experience, instead of political connections. He likes to believe that his investigation and recommendations played a large part in this significant development in the Federal Bureau of Prisons. Personal correspondence recently received by the author from James V. Bennett, retired Director of the Federal Bureau of Prisons, and from J. Edgar Hoover, Director of the Federal Bureau of Investigation, show that he is fully justified in that belief.

Bessie White provides an amusing sidelight to this Atlanta episode. It shows that aggressiveness by representatives of the news media is not a recent development. When the investigation began making the headlines, the reporters began bird-dogging her for information. She refused to give it to them. They insisted on having a photograph of Tom. She declined to provide one, and stuck by her guns in spite of dogged persistence and forceful argument by the reporters.

One day a neighbor lady called for Bessie to drive her downtown to a luncheon. Just as they were ready to pull away from the curb, a young man who was coming down the walk stepped to the driver's side of the car and asked the neighbor if she was Mrs. White. The friend replied that she was not, and then, with characteristic feminine intuition, added, "Mrs. White isn't at home right now." The young man thanked her and then added that he would just sit on the front porch and await her return. With that, the ladies drove off. When they returned about two hours later, the young man was gone. What was of more concern to Bessie, however, was the fact that a large French window, which opened from the porch into the living room, was open, and she knew it was closed when they had left. Everything was in order downstairs but, guessing what had

happened, she sent little Bruce upstairs for the large picture of Tom which she kept on her dressing table. However, she had no real expectation of him finding it. She was right. The picture was gone. She then picked up the telephone, called the newspaper, told the editor what had happened, and assured him that, if the picture ever appeared in his paper she would file charges of theft against the reporter, since that was the only way he could have obtained it. She hung up the receiver without waiting for a reply.

In a very short time the editor and reporter were at her door, and the editor was explaining that the reporter was very young and inexperienced, and just at the beginning of his career. A scandal of this nature, even if it were without foundation, could very well ruin him. Bessie then pointed out a few things in her turn, including the fact that the newspaper apparently thought the reporter was mature enough to be its representative. She repeated her intention of filing charges if the picture was published, and let them know she had a witness whose testimony would certainly convict him. She went on to explain that Tom's work exposed him to enough danger without adding to it by making his appearance known to every thug in the area.

Neither of the gentlemen admitted to having the picture, and she didn't get it back, but it was never published.

CHAPTER IV

THE OSAGE MURDERS

☛ AFTER COMPLETING the Atlanta assignment, Tom experienced a relatively uneventful year in his Houston office. There were occasional trips to inspect other FBI offices, and the investigation of the increasing interstate traffic in stolen automobiles and of large scale bootlegging and general racketeering kept him and his staff busy, but nothing spectacular happened.

Then came another telephone call from J. Edgar Hoover, summoning Agent White to Washington once again. The subject of Mr. Hoover's concern this time was an unpleasant situation out in Oklahoma. Crime of every description appeared to be rampant, particularly on the Osage Indian Reservation, and the Indian Council had finally been forced to request Federal assistance in suppressing it. Congressional interest was high and the general situation had reached the point where it must be considered a national disgrace. It had been decided that the FBI should mobilize its resources and take prompt, all-out action to investigate the situation and bring the guilty parties to justice.

Crime against the American Indian, of course, is no novelty. Even the actions of our own Federal Government cannot bear close scrutiny in this respect. In some cases, the laws have been manipulated or interpreted in such a way as to deny the Indian justice at the hands of his white brother. In others, they have simply been ignored. In still others, no man-made laws were involved, but some feel that violations of the laws of decency and morality are equally reprehensible.

In his book, *Experiences of a Special Indian Agent*, author E. E. White relates a number of such crimes against the Indian — crimes in the sense that they violated the laws of humanity. In one such case, the white owners of land adjoining an Indian Reservation coveted the rich valley which had been awarded to an Indian tribe under the terms of a treaty. They just couldn't see why such good land should be wasted on a bunch of savages. After other methods

of getting it away from the Indians had failed, they began a campaign of lies. They told their Indian friends that the Government in Washington was going to throw them off their beautiful reservation and relocate them in some awful, far-off place where they could never be happy. They assured them that the U.S. Army was on its way right then to kill off their chiefs and remove all the others from their homes. The army was, in truth, on its way to the reservation, but for entirely different and legitimate purpose. Its approach, however, lent credence to the story. The settlers told the Indians that their only hope of keeping their home was to fight. They must attack the Indian Agency, kill or drive off all the employees, and take all the supplies. Then they must ambush the soldiers in the canyons and fight them.

The whites hoped, by inciting the Indians to this kind of violent action, to cause their decimation by the army, with imprisonment and relocation the punishment of the survivors. The coveted land would then be up for grabs, either by homestead action or by purchase at a fraction of its value. And that is exactly what would have happened except for the timely arrival of a new agent. He saw what was going on and was able to convince the Indians they were about to be the victims of a plot. He was then able to persuade them to continue their peaceful ways.

Another case involved a small tribe which had been allotted 200 acres of excellent farm land for each family in the tribe. Unfortunately, this land was in an area which was subject to depredations by both the Union and Confederate guerrilla forces during the Civil War. After the Indians had had their livestock driven off and their remaining property destroyed or confiscated, they fled and took refuge with a tribe in another state. When they failed to return after the war, white "squatters" moved in and settled on their farms. They did so in good faith, correctly assuming that the Indians did not intend to return and that the land would be returned to the public domain, after which they would be opened to homestead. An alternate possibility was that the courts would determine ownership of the lands and the squatters would then have an opportunity to buy them directly from those owners. So thinking, the settlers

proceeded to improve the properties by erecting buildings and fences, drilling wells, planting trees, and so on.

Unfortunately for these individual settlers, an enterprising group of "speculators" had found out about the clouded titles to these lands (no patents had been issued to the Indian allottees), and set out to get title to them for themselves. This group included some prominent politicians and supposedly reputable attorneys. We need not go into the extensive ramifications of their scheme except to say that it would have succeeded except for a provision of law which required the approval of the Secretary of the Interior for any transfer of land by an Indian. Upon the recommendation of the investigating agent the Secretary withheld approval of this transaction, with the result that the Indian allottees, in most cases, sold their land to the settlers who had improved them, at prices which were fair to both, all to the discomfiture of the "land speculators."

These cases are related here only to illustrate the many ways in which the Indian has been victimized through the years by the more sophisticated white man, and to provide a background for the situation Tom and his FBI agents found when they set out to investigate the many crimes against the Osages. Many more examples could be cited. The Osages, in particular, have been favorite targets of the shyster and confidence man because, for years, they have enjoyed (if that is the right word) great wealth. Even in the nineteenth century they were well-off by current standards, since they were excellent hunters, good farmers, and exceptionally shrewd traders. Quoting from E. E. White's book, "The Reservation had become a green pasture for whisky peddlers, gamblers, and horse thieves, an asylum for fugitives from justice, and a Garden of Eden for loafers." And all of this was in 1887, long before the discovery of oil under their land had increased their wealth by ten-fold and more.

Under the terms of the Cherokee Treaty, the Osages purchased from the Cherokees the land which they now occupy. This property is conterminous with Osage county, the largest county in Oklahoma. In 1906 the Osage Tribe recorded 2229 members, and the number of so-called "head-rights" was permanently fixed at that

figure, "as long as the water runs and the grass grows." This meant that an Osage child born after June 28, 1906, would be entitled only to his proportionate share of his family head right. Conversely, when a member of the tribe died, his head right would go to his heir or heirs. This is important in understanding the motives for the murders of many of these people during later years.

On the basis of the 1906 "head count," compared with the amount of land owned by the tribe, the per-capita land ownership of the Osages was 657 acres, or slightly more than one section. In addition, there was a large amount of cash held in trust for these people by the United States Government. Their land holdings soon became somewhat academic as a measure of their wealth, however. In 1906 the first sizable oil strike was made on their reservation, followed six years later by another and much larger discovery. The income from this oil production on their land made them the richest people by far, as a group, to be found any place in the world.

Naturally these riches attracted, in addition to the confidence men and frankly criminal elements we have already taken note of, many "legitimate" white capitalistic entrepreneurs, with the result that the Indians were sold hundreds of thousands of dollars worth of items for which they had no use and which were totally inappropriate to their life styles. It was not uncommon to see a new concert grand piano sitting in the yard beside the one or two room house of an Indian family, simply because there was no room for it in the house. It would just sit there and take the Oklahoma sun — and occasional rain — while serving as a roost for the chickens and play house for the children, who would sometimes take time out to thump it wildly. Of course, no one in the family could play it or had ever expected to learn, but the white man at Pawhuska or Ponca City had told them it was a fine thing to have, something which many rich white people had, so of course they had bought it.

Expensive limousines were very common, and occasionally an Osage family could be seen riding around in a beautiful black or gray hearse, complete with satin drapery and long tassels. This was the ultimate in transportation. There just wasn't anything fancier that an oil-rich Indian could buy for his family. And when a car

was wrecked or ceased running from sheer neglect, there was nothing simpler than to buy a new one. One Ponca City dealer tells of the Indian who came in and looked over his stock. At last, he said, "Want that one," pointing to the most expensive limousine on the floor. While the dealer was writing up the sale he casually asked, merely by way of making conversation, what had happened to the new car he had sold the customer a few weeks earlier. "Won't go. Stuck in mud," was the reply. The Indians were very impatient about repairs and, besides, the dealer usually had a newer and fancier model in stock, so why have the old one fixed up?

And the Indians loved music, or it might be more accurate to say that they loved the magic of hearing the music come out of those wooden boxes or the horns that sat upon them. There was the middle aged Indian man who went into the music store in Pawhuska and said, simply, "Play music." The store owner put on a record, wound up the Victrola, and started the music. The Indian sat impassively through the performance. Another record was played without any comment, then another, and another. The owner did not object, since he usually had music playing anyway, as an advertising device. Finally, however, after he had gone through the greater part of his stock of records with no visible — or audible — reaction from his visitor, he asked if he would like to buy any of the records he had heard. The answer was short and to the point. "Yep, buy 'em all. Put 'em in car."

The practice of selling unneeded and unusable merchandise to the Indians was universal. It would be easy to say that this is more of a testimonial to the white man's greed than to his ethics, but we could answer that, from time immemorial, the civilized man has traded his cheap baubles for the savage's gold and silver. And who can say that the former always gets the better of such a deal?

If we can forgive the "legitimate" white merchants and other business and professional men who took advantage of the Indians' inexperience in the white man's world, it is more difficult to do so for the bootleggers, crooked gamblers, and the infinite variety of confidence men — and women — who preyed upon them. But the lure of easy money does strange things to all but the most iron-clad

characters. The bootleggers, particularly, deserve nothing but pure contempt. One who would cater to the Indian's well-known weakness for "fire-water" was placing himself on the same level with present-day dope pushers who specialize in selling their wares to children.

It may be pointed out that the Federal Government could — and did — step in and appoint a guardian when it was shown that an individual Indian was incompetent to handle his own affairs. However, this was often a matter of locking the barn after the horse was stolen. Also, it should be pointed out, some of the most despicable crimes against the Indians were committed by respected members of the white business and professional community from under the shelter of these guardianships. This was the safe way to rob an Indian and was used by many stalwart members of the white community.

All income from the Osage lands, including the production of their 8,579 oil wells as of June 30, 1923, was placed in a common fund and then divided equally among eligible members of the tribe. This amounted to \$12,000 for every man, woman, and child in 1923. With a few guardianships involving this kind of cash income (\$60,000 for a typical family of five), not to mention valuable land, livestock, and other property, a reasonably clever man with a flexible set of scruples could assure himself a handsome income. Exorbitant fees for modest (and imaginary) services were the rule, as were various financial deals involving kick-backs and payments to friends — and to the guardian himself through dummy arrangements. Any FBI Agent who took part in the investigation that Tom supervised following his conference with Mr. Hoover can testify that for every case of this nature that was prosecuted there were dozens where the guilty parties were never brought to trial. In some cases, key witnesses were dead or could not be located. In others, the evidence, while thoroughly convincing to the investigator on the scene, was of too tenuous a nature to provide a reasonable likelihood of conviction.

Even in the courtroom, the very fountainhead of justice, what was handed out to the Indian was frequently a caricature of equity.

In *The FBI Story*, we find Whitehead describing one incident in the career of Bill Hale, about whom we shall hear a great deal:

One day Hale went to collect a small bill from an Indian customer, only to find the man had just died. This wasn't misfortune for Hale — it was opportunity knocking for the first time.

Hale saw a lawyer and arranged to have a lien filed against almost everything the Indian had ever owned, including land, cattle, and household possessions. It was sheer robbery, and the Indian's relatives prepared to fight the claim. But out of the badlands came Hale's friends to swear the Indian rightfully owed Hale the money. Yes, sir, they had heard Bill Hale plenty of times demanding payment from the Indian. Moreover, the Indian had acknowledged the debt. There wasn't a shred of documentary proof to support the claim, but Hale won his case.

After that it was easy. Rarely did an Indian die that there wasn't a claim of some kind against his property, filed either by Hale or by some other white man.

Another frequently used method of parting the Indian from his money was by marrying him. Maybe we should use the feminine gender, however, since it was more often the white male who married into the Indian tribe, thereby earning the title of squaw-man. Sometimes it was the other way around. There was the young white woman, for example, who married an Indian man, along with his land, oil wells, and other property, but found her new husband to be a nuisance in many ways. They had absolutely nothing in common — except his money. Socially, he was completely impossible, and he frequently embarrassed her by his uncouth manners. She soon solved this problem by just locking him in their hotel room when she didn't want him along. This was really no great hardship, though, since his money enabled them to occupy the best suite of rooms in the hotel.

When Tom got to Washington, Mr. Hoover told him of the matter which had prompted him to call Tom to the head office. It had become evident that some of the criminal element in northeastern Oklahoma was no longer content with that portion of the Indians' wealth which they could siphon off by trickery and sharp dealing. To paraphrase an earlier frontier expression, they considered the

only truly valuable Indian to be a dead one. Beginning a few years earlier, there had been a rash of unexplained deaths among the Osages. No less than twenty-four adults had died under circumstances which pointed toward murder. In some cases, clumsy attempts had been made to cause the deaths to appear as suicide. In others, the deaths were obviously homicides, but previous investigations had failed to turn up the murderers. There were indications of less-than-heroic efforts by local officials to solve some of these cases and, even where criminal negligence or conspiracy was not evident, there were symptoms of a "So what? He was only an Indian" attitude. As Mr. Hoover told Tom, the situation had deteriorated to the point where it was rapidly becoming one of the blackest chapters in the history of the white man's dealing with the American Indian. The point had been reached where drastic action was necessary.

After Tom had been thoroughly briefed, he was instructed to return to Houston and wind up his affairs there, preparatory to turning that office over to a relief man, and report as soon as possible to Oklahoma City to take charge of that office. He was assured that he would be given adequate resources to do the job that was being turned over to him, and he was also given virtual carte blanche in selecting the investigators and agents who would be working with him. Tom tells us that when J. Edgar Hoover gave you a job to do, he expected you to *do it*. Alibis and excuses for failure or partial success were looked upon with dispassionate skepticism. On the other hand, he never stinted in providing you with the tools you needed, backed you up to the very limit while you were working on the job, and gave you full credit when you had finished. As he says, "What more could a man ask of his boss?" What more indeed?

During the course of the Oklahoma investigation, there were more agents assigned to the Oklahoma City FBI office than to the one in New York. As to the personnel, Tom foresaw that much of the work would necessarily be performed undercover and would require men familiar with the ranching-farming-oil field environment, and with good general knowledge of the customs, habits, and

beliefs of the Indians. He was convinced that the failure of previous investigations had been due to neglect of these considerations. For this reason he chose his investigators, insofar as was possible, from the ranks of former sheriffs from New Mexico and west Texas, and those who had seen service with the Texas Rangers. As a matter of interest, the agents posed as oil field workers, cowboys, insurance salesman, hoboes, and drifters; and one investigator made his contribution by pretending to be a genuine Indian medicine man. Of course the fact that he himself was one-half Indian proved to be very helpful. Incidentally, the fake insurance salesmen did sell genuine and valid insurance policies. In fact, one of them developed a thriving business in this field and joked that if Tom and the FBI didn't treat him right he would switch jobs. And of course the cowboys could work cattle and mend fences. Obviously, this was not the kind of investigation where an agent whose background and training were limited to the east or to a metropolitan environment would be at his best.

A clue to the nature and extent of the assignment Tom was handed by Mr. Hoover may be gained from this excerpt from an official FBI report:

The investigation of the Osage Indian murders which occurred in the early twenties, was one of the most complicated and difficult investigations ever conducted by the FBI. Just prior to the FBI's investigation two dozen Osage Indians died under suspicious circumstances, and the entire Osage Indian tribe, as well as the white citizens of Osage County, Oklahoma, were horror stricken and in fear for their lives. Consequently, the Tribal Council passed a Resolution requesting the aid of the Federal Government in solving these mysterious and baffling murders.

This, then, was the situation with which Tom was faced as he began the seemingly impossible task of finding out who was responsible for what can only be called the reign of terror in Osage County. To further complicate matters, the "normal" business of the FBI also had to be looked after as well. At times this threatened to overshadow the primary mission of Tom and his carefully selected crew. For example, there was the telephone call from Di-

rector Hoover telling him that there had been an alarming number of fires at Fort Sill, near Lawton, Oklahoma. A number of army buildings, some with extremely valuable contents, had been burned to the ground. Losses had already run into millions and the fires were continuing in an unaccountable way. The military authorities in Washington had consulted with Mr. Hoover and requested him to investigate the situation. Arson was clearly indicated, and the case seemed to be beyond local investigative capabilities.

These Washington military authorities apparently did not communicate their decision to the Commanding General at Fort Sill, however. When Tom called on that gentleman, in response to Mr. Hoover's instructions, the General very courteously declined his offer of assistance and informed him that his own Military Police and Intelligence Units were capable of handling the situation quite handily, thank you. He also scoffed at Tom's suggestion that some of his own force might be implicated, insisting that the fires were the work of some civilian nut who had a grudge against the army. In any case, he made it clear that he wanted no part of an FBI investigation.

When Tom advised Mr. Hoover of this impasse, the latter suggested that he go ahead with an undercover investigation. He did so at once, selecting as his representative a young agent, James Fallon, who came from Pennsylvania. This young newly-wed had extensive military service during World War I, and had been decorated for bravery. He proved to be an excellent choice for this assignment.

Tom suggested that Fallon adopt the role of a ne'er-do-well ex-soldier who was thinking of re-enlisting in the army for want of anything better to do. Young Fallon entered into this role enthusiastically. He donned old, worn-out clothing, left his brand-new bride in Oklahoma City, and hitched to Lawton, where he struck up an acquaintance with some Fort Sill soldiers.

Tom could hardly believe it when hobo Fallon was back in his office before the week was up, with the whole story. And when he heard that story, it was even more difficult to believe.

The fires had indeed been started by Fort Sill soldiers. The in-

credible thing about it was that the culprits were members of the Fort Sill Fire Department itself. And the motive was nothing in the world but the creation of a little excitement and the chance to show themselves off as heroes by putting them out!

Agent Fallon had used his general knowledge of army posts to visit around Fort Sill. In the course of his poking around, he dropped in on the boys at the fire station, requesting the loan of a needle and thread to do a little mending on his thread-bare clothing. In shooting the breeze with the soldiers attached to the fire station he mentioned that he was thinking of re-enlisting, since he had nothing better to do. He knew it was a pretty dull life, though, and wondered what in the world they did for excitement around this little hick town of Lawton. Then he began hearing about the big fires they had been having. Finally, one of the boys said if things ever got dull you could always stir up a little excitement one way or another. Fallon found these soldiers unbelievably naive. Probably that was one of the reasons for Tom's sympathy for them when they got into serious trouble over their escapades. Anyway, there was much talk of answering an alarm in the middle of the night, and racing through the streets with the sirens screaming and the gongs clanging. Truly, there was no scarcity of thrills and excitement.

At last the boys got around to confiding in him their plans for bigger and better fires, including a big cotton gin and some other large buildings in Lawton, since they were committed to assisting the local fire department when needed. Fallon then decided he had better move fast and check in with the boss without delay. With unfavorable winds or a slight delay in detecting and reporting the fire (the arsonists could obviously not report it themselves) the results could be disastrous to the whole town. Hence, the hurried trip back to Oklahoma City.

After hearing Fallon's report, Tom sent him back to Lawton immediately, along with another agent named Tinsley, with instructions to get the story again, this time with Tinsley as a witness. This too turned out to be ridiculously easy. The upshot of the whole affair was that the agents secured signed confessions from seventeen soldiers. It must be reported that they took a great deal of

pleasure in arousing the Commanding General at 3:00 A.M. and presenting him with the evidence they had obtained in spite of his edict that no outside investigation would be undertaken.

In due course the evidence was presented to the grand jury, which returned indictments against each of the seventeen soldiers. All were tried and found guilty. Tom felt that the sentences were unduly severe, ranging, as they did, up to thirty-five years in the Federal prison. He felt that the judge was so obsessed with the admitted enormity of the crimes that he failed to consider such factors as the youth of the offenders and the fact that none of them had any previous records of offenses. It seemed to Tom, as it had to Fallon and Tinsley, that they were dealing with simple, child-like mentalities, rather than vicious criminal types. In any case, when he later found these young men in his custody when he became warden of Leavenworth prison, Tom interceded in their behalf and finally succeeded in getting their sentences reduced. He never had any reason to regret this action.

Another case which interrupted the FBI's primary mission of solving the Osage Indian murders involved the touching story of the rich young Creek Indian maiden and her white husband. When this girl found out that being married to a white man (her white man, at least), wasn't as great as she had thought it would be, she decided to get rid of him. Having learned that his thinking was chiefly in terms of dollar signs she went directly to the point and asked him how much he would take for a divorce. He agreed to set Exie (an exquisite name for a divorcee!) free for the modest sum of \$10,000, and she headed for a lawyer's office in the town of Eufala to get the proceedings started. That was when complications set in. The case began to grow.

It seems that the lawyer Exie consulted had some partners, and they had some lawyer friends, including the inevitable politician, a former Congressman in this instance. And Exie had all that beautiful money!

The lawyers decided that \$15,000 would be an appropriate fee for those who would represent Exie. Then her husband would also need legal counsel. That would be another \$15,000. And \$10,000

was a niggardly sum for giving up the wife of one's bosom, so the husband's share of the loot was increased to \$15,000. Of course he didn't know it and, as a matter of fact, the extra \$5,000 somehow ended up in the lawyers' bank account, probably due to a book-keeping error. Then, to round the figure off to a nice, even \$50,000, two of the seven friendly lawyers were awarded a fee of \$5,000 for what was delicately referred to simply as "professional services." So far as we can determine, these services consisted of convincing the Superintendent of the Five Civilized Tribes, at Muskogee, that Exie's greedy husband demanded \$50,000 as the price of her freedom, and would not accept a penny less. Furthermore, if she were not set free from this brute, all sorts of dire consequences must be expected, with murder or suicide being definite possibilities. The Superintendent was just no match for the talent shown by these attorneys, and gave his approval.

As Tom got the story, it looked like a clear case of conspiracy to defraud a ward of the United States Government. He immediately initiated an investigation. In addition to assigning one of his own agents to the case, he enlisted the aid of the Internal Revenue Service whose representative was able to pin-point with amazing accuracy the disposition of the \$50,000. Tom soon knew to the penny how much each of the seven enterprising conspirators had received.

The case was presented to the grand jury and in due time indictments were returned against every member of the group. The precedent-setting trial attracted a great deal of attention, as well as some of the best legal talent in Oklahoma. It was feared that the goose that had been laying so many nice golden eggs was in danger of being dealt a mortal blow.

And that is just what happened. In spite of the popular sentiment in favor of the defendants (after all, she *is* an Indian, isn't she?), the facts of law pressed home by the Government lawyers could not be brushed aside. All seven defendants were found guilty. In setting the penalties, the judge displayed considerable originality, as well as marked leniency. There were, in fact, murmurs in some quarters that the professional and political ties between the judge and the defendants may have resulted in far too much leniency.

Each one of the defendants was fined an amount exactly equal to his share of the fee. In effect, then, the seven lawyers who participated in the celebrated case of *Exie Fife Jackson vs. Berlin Jackson* simply donated their services.

The efforts of the Government investigators and lawyers who worked on this case did not go for naught. Because of the great amount of publicity generated by the case, and the official attention it directed to the abuses inherent in the system as it had been functioning, new and more stringent regulations for the protection of the Indian wards of the Government were soon in force.

CHAPTER V

KING OF THE OSAGE HILLS

☛ BUT ALWAYS, overshadowing everything else in urgency, were the questions about the murders. The swindles and frauds had to be dealt with when it appeared that Federal laws had been violated, of course, but it was only natural for Tom and his staff to regard them as nuisances which took up valuable time that could hardly be spared. They needed to devote all of their time and energy to finding answers to the many questions about the killings which they had been charged with clearing up. Who had killed Anna Brown, a full-blooded Osage Indian woman whose Indian maiden name was almost forgotten after marriage to two white men, but who still retained much of her wealth? Her murder, though effective, was one of the clumsy ones. The pistol with which she had been shot was lying near her left hand, though she was known to be righthanded. Furthermore, the bullet had followed a course through her head which made the idea of suicide preposterous, yet the case had been closed on that basis.

There were many such vexing questions to which answers must be found. Who, for example, blew up the home of William Smith and his Indian wife? Here too the work of an amateur was indicated, since enough explosive had been used to blow up half a dozen houses the size of the Smith residence. Neighboring homes in Fairfax had suffered extensive damage, and one of the servant girl's arms had been found dangling from the utility wires half a block from the house in which she had been sleeping. And who killed Henry Roan Horse? This was another case which had been conveniently disposed of as a suicide, although the bullet which killed him had entered the right-handed Indian's head back of the left ear and emerged above the right eye, an unlikely course, even if he had for some strange reason used his left hand. And what was the cause and nature of the fatal illness of George Bigheart, an apparently healthy Indian man who died from "unknown" causes? And who killed Bigheart's attorney, Charles Vaughan, the day after

Bigheart's own death, which followed soon after their final conference? Apparently the lawyer could not be allowed to live with the information his client had given him that last day, so he was shot and his body pushed off the train between Oklahoma City and Pawhuska.

And what about those persistent stories of the several Indian men who were furnished liquor by white "friends" who would then call a doctor after the inevitable drunken stupor. The stories went on to say that the physician would administer morphine or some other drug for temporary relief, and leave an additional supply with the drunken man's friends to be given only if needed. Of course it was always needed and accidental overdoses resulted in the deaths of the patients. To avoid embarrassment to the well-meaning friends, death was certified as being due to alcoholic poisoning. And so on — and on.

The FBI agents were confronted with a seemingly endless maze of leads and dead-ends, accusations, denials, and counter changes. During those first weeks and months Tom almost despaired of ever making any kind of sense out of this hodgepodge of fact and fancy. Many of the stories received by his agents were completely false. Some were given in good faith but were based on hearsay or erroneous information. Others were simply manufactured by harmless publicity seekers who were seeking attention. Still others, when viewed in retrospect, were patently provided solely as red herrings, to send the investigators off on wild goose chases, if we may mix our metaphors. Of course the agents followed every lead, no matter how unlikely it might be, until it either developed into solid evidence or definitely proved to be false or unproductive. Some of the most unpromising leads turned up very valuable information. They were grasping at straws, and could not afford to ignore any clue, no matter how fragile it might be. They found themselves pursuing such elusive bits of evidence into Kansas, Colorado, Texas, Mexico, New Mexico, and California, among other places.

There were several factors which added to the difficulties always present in an investigation of this nature. One, of course, was the unusual lapse of time since the events being investigated had oc-

curred. Witnesses were dead or could not be located, and the testimony of those who were available was subject to more than the usual inaccuracy because of memory lapses. And many prospective witnesses refused to talk through fear of harm to themselves or their families. Then too, there was the ever-present human reluctance to become involved in any kind of unpleasant situation — the “it’s none of my business” attitude. The investigators were familiar with all of these factors, and had encountered them many times before, but it all added up to a situation which demanded time, perseverance — and skill. And there was always the reaction by many of the residents which is best expressed by one who said, “What’s all this fuss about an old Indian drunk who was found dead out in the country several years ago, anyway?”

To make matters still worse, there had been an influx of “investigators” of every description who had preceded the FBI. Private detectives, insurance investigators, writers and would-be writers, and plain curiosity seekers had hounded the residents of the area with questions until even the most cooperative resented further queries and pretended ignorance.

But the FBI agents persevered. Information was picked up bit by tiny bit. It was carefully sifted and weighed and that which proved to be false was discarded. The fragments that were left were sorted out and fitted together, like the pieces of a jig-saw puzzle, in hopes that the hidden picture would finally begin to emerge. Bessie reports that she saw Tom so infrequently, and for such brief periods, that she almost forgot she had a husband. Tom himself admits that he “didn’t tire as easily in those days as now,” and would usually spend the business hours of the day at his office in Oklahoma City, taking care of the usual day’s work, and then meet with some of the agents — often at Guthrie, twenty-five miles away — and discuss their findings of the day or join them in interviewing witnesses. By the time they had finished these chores and made plans for the days ahead they were usually into the small hours of the night. Tom would catch a few hours sleep on a couch where he could find one before starting another day in the office. In answer to a facetious question about overtime pay he simply replied that

he had never given it a thought. It is clear that, for him at least, the reward was in the work itself. One gets the impression that the same was true of most of his staff.

But gradually — so very gradually — the picture they were looking for did begin to take form. At first, the agents joined Tom in his caution and hesitance about accepting it as the true one, because it pointed toward one of the wealthiest and most powerful men in the country as being the key figure in a number of the killings. But the evidence against Bill Hale was becoming very convincing.

William K. Hale had come up to Osage county from Greenville, Texas, some twenty-five years or so earlier, and had carved out quite a place for himself in the community. We have already seen in Whitehead's words one of the methods he used to acquire his great wealth, which included outright title to at least 5,000 acres of choice land, and ownership of grazing leases on no less than another 45,000 acres. This may not sound particularly impressive to those who are accustomed to the vast expanses of ranches in the more western areas, but in northeastern Oklahoma these are indeed large holdings. Hale also had large banking interests, an elaborate ranch house near the town of Gray Horse, and town houses in Pawhuska and Fairfax. With holdings like these, he was a power to be reckoned with in the country, and he never hesitated in moving to acquire more possessions and more power. In fact, he was often referred to as "The King of the Osage Hills." So many people, including local — and not so local — political figures, were under obligation to him that it was no small task to get people to divulge any information which might hurt him in any way. But occasionally a piece of significant information would be picked up — usually by one of the undercover men. One such morsel was brought in by an agent who was posing as a plain old Texas cowboy. This role came naturally to him because that was the way he had got his start. During the entire investigation he worked cattle, mended fences, did the town on Saturday nights, drank home-brew, and bunked right along with the rest of the crew. Naturally, he heard a lot of cowboy talk. One of the stories he picked up was about an exciting

night some of the fellows had experienced a couple of years earlier.

It seems that the boss — Hale — had insured the grazing capacity of 30,000 acres of his land for a dollar an acre. Then, one night, after having gotten most of the use of this land, and getting the stock safely out of the way, he got the boys out and set fire to the grass in such a way as to insure a complete loss. It was great fun for the cowboys and profitable to the tune of \$30,000 for Mr. Hale. This same undercover cowboy provided a great deal of helpful information, and fully justified Tom's decision to use western-type investigators where possible. The value of information such as this about the grass fire was mainly that of removing from Hale his mantle of bought-and-paid-for respectability, so he could be seen in his true colors.

Another undercover man who performed yeoman service during the investigation posed as an insurance salesman. He gained the confidence of Hale and his associates, actually selling policies to some of the latter, and almost closing a sale with the big man himself. He was able to secure helpful information when he wrote up the data for the policies he sold and, also, the social contacts he established enabled him to pick up pertinent news items here and there. It was he who learned, through a casual conversation, that Hale had his things all packed and was ready to leave, at a moment's notice, for Florida and possibly "some other places." Since he learned this at a particularly critical point in the investigation, the insurance salesman lost no time in conveying the information to Tom, who was able to change Hale's plans by indirect means.

It was through the efforts of these and other undercover men that Tom learned that Hale had tried to hire some of gangster Al Spencer's gunmen to kill some Indians for him. Spencer and his gang of bank robbers, by the way, frequently used the wooded areas of Osage county as hide-outs between jobs. They were certainly not above murder-for-hire, as their careers amply demonstrate but, as one of them later testified, the kind of killing Hale wanted done was just not their style.

It would take us too far afield to attempt to thread the maze of the many crimes and shady deals in which William Hale was in-

volved, according to the information collected by the FBI sleuths. For that reason we shall limit ourselves to going into some detail about those particular murders which led to the conviction and imprisonment of Hale himself and three of his trigger men. These killings, which we have already mentioned and briefly described, were those of Anna Brown, Henry Roan Horse, and the William Smiths and their maid. It seems a bit sad that we do not find, in all of the notes and reports at hand concerning this latter atrocity, even the name of this third victim, who lost her life in such a horrible manner only because she happened to live in the same house with two people whom Bill Hale wanted dead. She is referred to variously, in her fleeting — and posthumous — fame, as “A white servant girl who worked for the Smiths,” “A domestic in the Smith household,” and simply “The Smiths’ maid.”

Hale had two nephews, Ernest and Bryan Burkhart. They were both employed by him and apparently completely dominated by him. This was made clear during the investigation and was confirmed by the statements of Ernest when he eventually confessed to his part in the crimes. It seems to have been a clear case of “If Uncle Bill says do it this way, this is the way we do it, and no questions are asked.”

When Ernest married Mollie, the youngest of the Kahesey daughters, he became part of an immensely wealthy Osage Indian family. Mollie’s father, Jimmie Kahesey, had inherited the “head right” of his first wife upon her death. Added to his own head right, this made him a very rich man. He then married a second Osage woman, with the picturesque name of Lizzie Que Kile, who was also extremely wealthy. Jimmie and Lizzie Que had four daughters, Minnie, Rita, Anna, and Mollie. Upon the death of Jimmie, the family wealth was distributed among Lizzie Que and the girls, with the exception of a portion of Jimmie’s personal fortune, which went to his daughter by his first wife.

Minnie, the eldest of the four daughters, married William Smith. She did not live long, however, and died from apparently natural causes, although one cannot be certain about this, in view of some of the findings during the investigation. At any rate, Minnie’s per-

sonal fortune was divided among her three sisters and her husband. The latter, after an interval, married Rita, one of the remaining sisters. With the killing of Anna, by persons then unknown, the entire wealth of the Kahesey family was now divided between the two remaining sisters, Rita and Mollie, the aged Lizzie Que having died in the meantime. The girls, of course, shared their fortunes with their respective husbands, Bill Smith and Ernest Burkhart.

There is little doubt that there was a clear understanding between Hale and Ernest Burkhart about the Kahesey estate. Their plan was simplicity itself. It consisted of eliminating the other heirs one by one until only Mollie was left. This would put the entire fortune at Ernest's disposal, which is just another way of saying Hale's disposal. This plan, of course, required the elimination of the Smiths as its final act, and could not be expected to promote a friendly and harmonious relationship between the Hale-Burkhart clan and William Smith, since the latter and his wife constituted a road block to its fulfillment. It seems that Smith had at least a strong hunch as to what Hale was about. At least there was no love lost between the two men, and neither trusted the other.

From what we can learn of Smith he was a rather quiet, unassuming man, completely without the aggressive, domineering character of Bill Hale. It is rather easy to assume that his marriages to the two Kahesey sisters were not without mercenary motives, but he also appears to have been genuinely fond of them. At least, he seems to have treated them well, and he was evidently willing to *share* their wealth with them, rather than conniving to get it all for himself. In view of the all too common attitudes toward the Indians and their property, even this concession is to his credit.

Aside from whatever rivalry may have existed between Hale and Smith in connection with the Kahesey wealth, there was a matter of \$6,000 which the latter claimed Hale had owed him for a long time and which he had refused to pay. How this debt came about is not known. Hale apparently did not deny owing the debt, he just refused to pay it. Smith's bitter complaints about this debt had been a source of great annoyance to Hale for some time. Another thing that contributed to the bad feeling between them was Smith's

claim that he had positive evidence that Hale had played a part in the death of Anna Brown. It seemed that no one was interested in what he might know about that, either. She was just another drunken Indian squaw, so what difference did it make whether she shot herself or someone else did it? It was no great loss. And if Bill Hale did have someone kill her (No one ever suspected that he would have shot her himself. He was strictly, as described by Whitehead in *The FBI Story*, a killer-by-proxy), it was a lot better to just stay out of things and not stir up trouble. And so the Hale-Smith feud dragged on for a time, until it was finally terminated by the explosion we have mentioned. But let us go back and review three episodes in the order in which they occurred.

We get the story of Anna Brown's death from the statements of several persons as they were given to the FBI investigators and, in some instances, as they were made from the witness stand during the trials of Kelsey Morrison, Ernest Burkhart, John Ramsey, and William Hale. Omitting many details which were of interest to the court but which need not concern us, they add up to this approximate pattern of events.

On May 21, 1921, Anna received a telephone call at her home asking her to go to Gray Horse to see her mother, Lizzie Que Kahesey, who was very ill at the home of another daughter, Mollie. It will be remembered that Mollie was the wife of Ernest Burkhart, nephew of Bill Hale. Anna took a taxi to the Burkhart home and remained there all day. It was reported that she spent most of the afternoon alone in a summer house in the garden, drinking from a bottle of moonshine whiskey. That evening after supper, she left the house in the company of her brother-in-law Ernest and his brother, Bryan. When Anna was drinking, she had a weakness for men in general, but her feelings for Bryan Burkhart carried over into her sober moments and was common knowledge. A maid in the Ernest Burkhart home testified later that Anna told her that same day that she was crazy about Bryan and would kill any woman she ever caught fooling around with him. She also said she would kill Bryan himself if he didn't marry her. The maid to whom these delicate thoughts were confided assumed they were mere drunken

prattle. Nevertheless, she relayed them to Bryan. He replied that Anna was not going to kill him for the simple reason that he was going to beat her to it and kill her. He was very close to the truth, even though another man finally pulled the trigger.

The trio visited and liberally patronized several booze joints during the evening and, somewhere along the way, they picked up a well-known local character by the name of Kelsey Morrison. He and Bryan were then in one car with Anna, while Ernest and at least one passenger were in another car. The identity of this passenger is not known, but it may have been the Osage wife of Morrison, since she is known to have been with them during part of the evening. Some of the details of the latter part of this episode are understandably rather blurred, because the participants and witnesses were apparently following their usual procedure of going from one bootleg joint to another, liberally sampling the wares of each.

We do know that the merry-makers stopped at good old Uncle Bill Hale's house some time during the evening, where Bill gave Bryan a .32 caliber pistol with which to take care of the main business of the outing. According to one witness, there was a quite lengthy discussion among Bill, Bryan, and Morrison over the details of the killing — where and exactly how it should be done. At any rate, it was not until about 2:00 A.M. that Anna was drunk enough and the men were in the proper frame of mind to take care of the job.

So, at that early hour on the Sabbath Day, May 22, 1921, the two cars separated, with the one in which Anna was riding pulling off the road into a wooded area a couple of miles from Fairfax. There it stopped and the two men removed Anna, who by now was completely drunk, from the car. While Bryan held her in position, Morrison shot her in the head with the automatic pistol provided by Mr. Hale. They then placed her body in a sitting position on the ground, with her back against a cliff. The pistol was left on the ground near her left hand, and a soft drink bottle half-full of whiskey was placed near her right hand. The body was not found until May 27, five days later.

As we have said, this story was pieced together from the testimony of a number of witnesses, including the bootlegger who furnished part of the liquor for the party. The story of the actual shooting, however, was provided by Morrison himself, when he testified at the trial of Bill Hale. Much of it was corroborated by his wife and by other witnesses. Morrison, of course, swore that the whole thing was Hale's idea, and that he and Bryan killed Anna only because of the urging of the big man. As we have seen, Hale's reason for wanting Anna dead was to concentrate more of the Kahesey family wealth in the hands of his nephew where he knew he could control it and get his hands on it whenever he wished.

Not long after Anna's death, her mother Lizzie Que died at the home of her daughter Mollie. This left the entire family estate in the hands of Rita and Mollie, and their husbands. The Burkhardt family fortune had also been increased when Ernest had persuaded Joe and Bertha Bigheart to adopt one of their young daughters. Soon after, Joe Bigheart died and his adopted daughter, who had never left the Burkhardt household, inherited more than \$75,000.00 from her brand new foster father. And it will be remembered that it was Bigheart's attorney who was murdered the day after his deathbed conference with his client. The Burkhardt family was indeed prospering.

But greed feeds upon itself. When the lust for great wealth or power takes possession of a man there seems to be no stopping or turning back. Certainly Hale and his nephews had enough money and influence to live beyond their wildest dreams of a few years earlier. But there was more to be had — and it was all so easy! So, a couple of years later, the one remaining rival for the Kahesey fortune was finally disposed of. During the early morning hours of March 10, 1923, an explosion, which rocked the entire town of Fairfax, completely demolished the Smith home. The three occupants of the house, Rita and William Smith, and a white girl who worked for them as a domestic, were all killed. This crime also went unsolved until the FBI entered upon the scene two years later.

There was no question about the cause of the explosion. A keg of nitro-glycerine had been placed in the garage, which was attached

to the house and located under some of the upstairs bedrooms. The house, an ultra-modern seven room affair, was brand-new and had been occupied only a few days when it and its occupants were blown up. The force of the explosion was so great that it tore through the six-inch concrete floor of the garage, making a hole over six feet in diameter and three feet deep. Not wishing to leave anything to chance, the killers had also poured kerosene on and around the house, so the debris that was left by the explosion was completely burned. The detonator was found about a block away and, even at that distance the killers were not completely safe. Fortunately (?) however, they were not injured.

Many murders have been committed for less reason than Bill Hale had for having Bill and Rita Smith done away with. In the first place, their deaths would automatically enrich the Hale — Burkhart partnership by more than \$150,000 — or so he thought. And, as we have indicated, his greed knew no bounds. A second reason was the \$6,000 about which Smith had been hounding him. This item had apparently become some sort of symbol to both men. Obviously, \$6,000 was no great sum to a man of Hale's means, or to Smith either; they both would probably have referred to it as a "matter of principle." In any case, it was an embarrassing matter to Hale. The remaining known reason Hale had for wanting Smith out of the way was the latter's insistence that he had evidence of Hale's guilt in connection with the death of Anna Brown. Although no one seems to have been particularly interested in this claim — least of all, those in authority — Hale may have regarded it as a continuing threat, since it was true.

The FBI agents learned that Ernest Burkhart had been looking for someone to do away with the Smiths as far back as 1920. He had explained to one prospective killer that he would like Rita out of the way before Lizzie Que died, so that a greater part of the estate would go to his own wife. He offered this man \$1,000 in cash and a Buick automobile for the job, and told him where the Smiths kept some valuable diamonds in the house which he could keep as a bonus. The man to whom this generous offer was made was not above killing, but this particular job was not to his liking and he

turned it down. Later testimony showed that similar offers were made by Hale and Burkhart to a number of Al Spencer's and Henry Grammer's gunmen, but it was some time before they were able to make a satisfactory deal. In Burkhart's final confession he mentioned, in addition to Spencer himself, the names of Curly Johnson, Dick Gregg, and John Mayo, whom he and his uncle had tried to hire to kill the Smiths. Finally, they heard of a man by the name of Kirby, known as Ace, who was said to be for hire for any kind of job. Burkhart and John Ramsey went to see Ace at his home in Ripley, Oklahoma, and arranged the deal. Hale claimed that the package cost him \$2,000, but it was a thorough job, if not very neat, and was conveniently carried out at a time when rancher Hale and his friend Henry Grammer were in Fort Worth at a cattlemen's convention.

Businessman Hale was very thorough in all of his affairs. He liked everything neat and orderly, and he abhorred dangling loose ends which might prove to be bothersome. When he decided that Ace Kirby was not the kind of man who could be trusted with the information he possessed, he set about correcting the situation in a typical Hale manner. According to information received by the investigators, Hale told Kirby of a general store which was well worth robbing, and would be no problem to handle. The owner of the store always kept a large amount of cash on hand. More important, he lived on the premises and kept some very valuable diamonds and other jewelry there. Hale went on to explain just how Ace could get into the store with no trouble or risk, and where he would find the money and valuables. He also suggested that Kirby visit the store the day before he planned to rob it, to verify the general layout and make sure things were located as Hale had told him they would be. Kirby did so, visiting the store in the afternoon and buying a soft drink so he would have time to look around while he drank it. Everything was just as his good friend Hale had described it.

In the meantime, Hale had warned his friend the store owner that he had some important information for him. He was going to be robbed. He went on to give him Ace's description and hold him that the robber was a desperate character and was entirely capable

of killing the owner and his family, so he could loot the store at his leisure. He strongly advised the proprietor to shoot first and ask questions later. He also told him he understood that the desperado planned to visit the store the day before the robbery, just to check it over.

The result of this very businesslike arrangement was that, when Ace made his entrance into the store late on the night following his exploratory visit, he was met with a charge of buckshot from the store owner's twelve gauge shotgun. This ended his career of crime abruptly and, at the same time, disposed of a possible witness to the killing of the Smiths and their maid. Now, Rita's portion of the Kahesey estate would go to enlarge the Hale-Burkhart fortune, with no chance of any embarrassing questions being asked.

But that wasn't the way it turned out.

When the Smith house was blown up, Rita and the servant girl were killed immediately. By some strange quirk of fate, however, Bill Smith lived almost four days after the explosion. During this time, he was heard to murmur repeatedly that Bill Hale was responsible for the crime. The fact that Smith survived his wife proved to be the prime factor in a beautiful case of poetic justice.

It was now discovered that the Smiths had executed joint wills some time previously which provided that, in the event of the death of either partner, the survivor would inherit the estate of the deceased, in toto. The fact that Bill Smith survived his wife caused title to all of her belongings to pass to him, however briefly. Then, upon his death, the entire estate passed on to his heirs. Since he and Rita had no children, the estate was finally awarded to his daughter by an earlier marriage. This young lady lived in Arkansas and, so far as we know, knew nothing at all about the unsavory mess in Oklahoma. We do not know that she even knew her father, and certainly her very existence was unknown to Hale and Burkhart. It doesn't take much imagination to realize what a nasty shock this turn of events must have given to these worthy gentlemen.

Finally, there was the death of Henry Roan Horse. Henry was another harmless Osage Indian who happened to be a cousin of the Kahesey sisters. He shared with many of his fellow tribesmen a

childlike naivete in money matters and an inordinate fondness for the white man's firewater. These weaknesses led directly to his death.

We do not know the details of the business deals between Roan Horse and Bill Hale. We do know that most of the Indian's property, in the form of cattle and grazing leases, had gravitated into the hands of "The King of the Osage Hills." Presumably there had been some remuneration but it may have been no more than timely and ample supplies of rotgut whiskey. It was thought by some that Hale owed Roan Horse a substantial amount of money and that the latter had evidence of the debt — evidence which disappeared with his death. However, this seems to be pure speculation. We do know of one tangible motivating factor for his death, from Hale's standpoint. That was a life insurance policy for \$25,000, with one William K. Hale as sole beneficiary!

The insurance on Roan Horse's life was another investment that went sour for Hale. After purchasing this policy, paying the premium, and waiting patiently for a year so there would be no question about it, and then paying out his own good money to have the Indian killed, the insurance company refused to pay him the the \$25,000! He sued in an attempt to force payment, but lost. He was very bitter at this development, berated the insurance company for its crookedness, and was heard to say that there was just no justice in the world!

In his statement to the FBI investigators, Ernest Burkhart related how his uncle took out the insurance policy on Roan Horse and then, on several occasions, expressed concern about the possibility of the Indian committing suicide or dying under circumstances which might suggest suicide, before the policy had been in effect a year. In this case, the policy would not pay off. When these fears proved groundless, Hale set about getting Roan Horse killed so he could collect on his investment. It took him some time, and a lot of shopping around for a killer, because the fee he offered was by no means magnanimous, being considerably less than ten per cent of the face value of the insurance policy.

At last, however, through the good offices of a staunch friend,

Henry Grammer, Hale was put in touch with John Ramsey, who agreed to do the chore. Ramsey was a bootlegger in the employ of Grammer, who was one of the barons of the liquor business in that part of Oklahoma. When Hale called on Grammer and asked him if he had a man who would kill an Indian for him, Grammer immediately suggested Ramsey, saying he would do anything for the right price. As it turned out, the fee was very reasonable.

According to the court record of Ramsey's confession, he and Hale met several times to discuss the terms of the killing. There was never any question about it on moral or ethical grounds, since it was only an Indian. It was strictly a business deal. There is some uncertainty about the final terms that were agreed upon. According to Ernest Burkhardt's statement, Hale paid Ramsey \$1000 and bought him a \$500 car. Ramsey's own statement, however, shows that he received only \$500 cash and the car, a new Ford roadster, bought at Ponca City. The significance of the car was that Ramsey had no transportation without it, to get around and do the job he had contracted for. It seems that Grammer had provided the necessary transportation for his bootlegging activities.

Ramsey goes on to tell us that, at some stage of the negotiations on the deal, Hale pointed out the Indian he wanted killed. This was on the street in Fairfax. Ramsey never knew why this particular Osage was to be disposed of but he figured Hale "had his reasons, and it was none of my business." He goes on to say that people — at least those he knew in Oklahoma — thought no more of killing an Indian than they had back in the early days when you could practically get a bonus for getting rid of them. He just couldn't see what all of the excitement was about. It doesn't take too much stretching of one's imagination to begin to appreciate his viewpoint.

With his brand-new Ford roadster full of gasoline, and with new license plates, bargained for with Hale, who finally paid for them, Ramsey was ready for the business at hand. He sat down next to Roan Horse at the counter in a Fairfax restaurant, at the first opportunity, and struck up a conversation with the Indian. Smelling whiskey on his breath, he used that for an opener and started talking about the availability, quality, and price of liquor. He soon let

Roan Horse know he was a bootlegger and could get all the good booze he wanted. That was Roan Horse's kind of language, and they made arrangements to meet on the road which ran through Sol Smith's pasture, near Salt Creek. This was the first of several such meetings, with Ramsey furnishing the liquor and Roan Horse the money and the unfailing thirst. Ramsey admits, in his statement of confession, that he was using these meetings to "rib up a little more courage for the job." This is the only indication we have that he ever had the slightest misgiving about the affair.

At last he decided he had delayed long enough and, besides, Hale was becoming impatient, so Ramsey told Roan Horse he had some unusually good liquor and, if he would meet him at the usual place, they would have a few drinks. No more urging was needed and they drove to their wooded meeting place in separate cars. Ramsey says they sat on the running board of the Indian's car and had several stiff drinks. Roan Horse then got in his car to leave. Ramsey walked around to the driver's side of the car to say a few parting words, raising the side curtain with his left hand. After they had said goodbye, he raised the .45 caliber pistol with his other hand and shot the Indian behind the left ear. He guessed the distance at less than one foot.

Leaving the body lying across the front seat, just as it had fallen, Ramsey went back to Fairfax and had a cup of coffee. The next time he saw Hale, he reported that the job was taken care of. Hale just said "O.K." and told him he would pay him later, since he didn't have enough money on him at the time. Ramsey replied that there was no hurry, since he didn't particularly need the money right then. He thought it was about a month later that Hale paid up.

Roan Horse's body was not found until about ten days later, when it was discovered by two young boys on an outing. It had been frozen during most of the interim period. Ramsey recalls that it was when the body was found and brought into town that he first learned the name of his victim. William Hale, as a long time friend of Roan Horse's, served as a pall bearer at his funeral.

CHAPTER VI

DELAYED JUSTICE

☛ WITH THE MOUNTAIN OF EVIDENCE produced by his agents and investigators, including the signed confessions of John Ramsey and Ernest Burkhart, Tom decided it was time to turn the case over to the United States Attorney for prosecution. If he thought his work was finished at this point, he was in for a rude awakening. But of course he didn't. He had long ago learned that the procedures, restrictions, and limitations built into our law enforcement and judicial systems for the protection of the innocent can also be extended, turned, twisted and perverted to shelter the guilty. He was now to face a dramatic demonstration of this process, which would require the greatest perseverance and legal skill — not to mention vast sums of money — to overcome and finally bring about an appropriate act of justice. As he looks back now, he sometimes feels that the most difficult and disagreeable part of the whole job was that of securing the convictions which the investigation had shown were so richly deserved.

The confessions and other evidence were presented to the Tribal Lawyer and the United States Attorney. After reviewing it and discussing it with Tom, these officials in turn presented the entire package to a special session of the United States Grand Jury. That body reviewed the evidence and promptly billed John Ramsey and William Hale for the murder of Henry Roan Horse.

The first action of the defense attorneys was to go before the U.S. District Judge and challenge the jurisdiction of the Federal Government in the case. After a long and bitterly argued session, the judge ruled against the government, declaring that it had no jurisdiction in the matter. The U.S. Attorney immediately initiated action to test this decision in the higher courts, while the FBI began prosecution of the two men in the District Court of Oklahoma for the murders of William and Rita Smith. This was admittedly something in the nature of a delaying action, to retain custody of the defendants while the government's appeal on the original charge



Texas State Rangers, Company A, is pictured in 1905 at Colorado, Texas. From the left, Ivan Murchison, Doc Thomas, Bob Baker, Henry Hansom, Captain Frank Johnson, Parker Lamore, Sergeant Billy McCauley, and Tom White.



A group of Texas lawmen, circa 1907, included four White brothers: 1. Doc White, 2. Dudley White, Sr., 3. Tom White, and 4. Coley White.



The Osage Indian Council which asked for help from the Federal Government is pictured above in 1924 in Washington, D. C.



Chief Fred Lookout, chief of the Osage Indian tribe and signer of the resolution quoted on pages 76-77.



*John E. Campbell,
known as "Grampy,"
was the grandfather of
Tom White.*

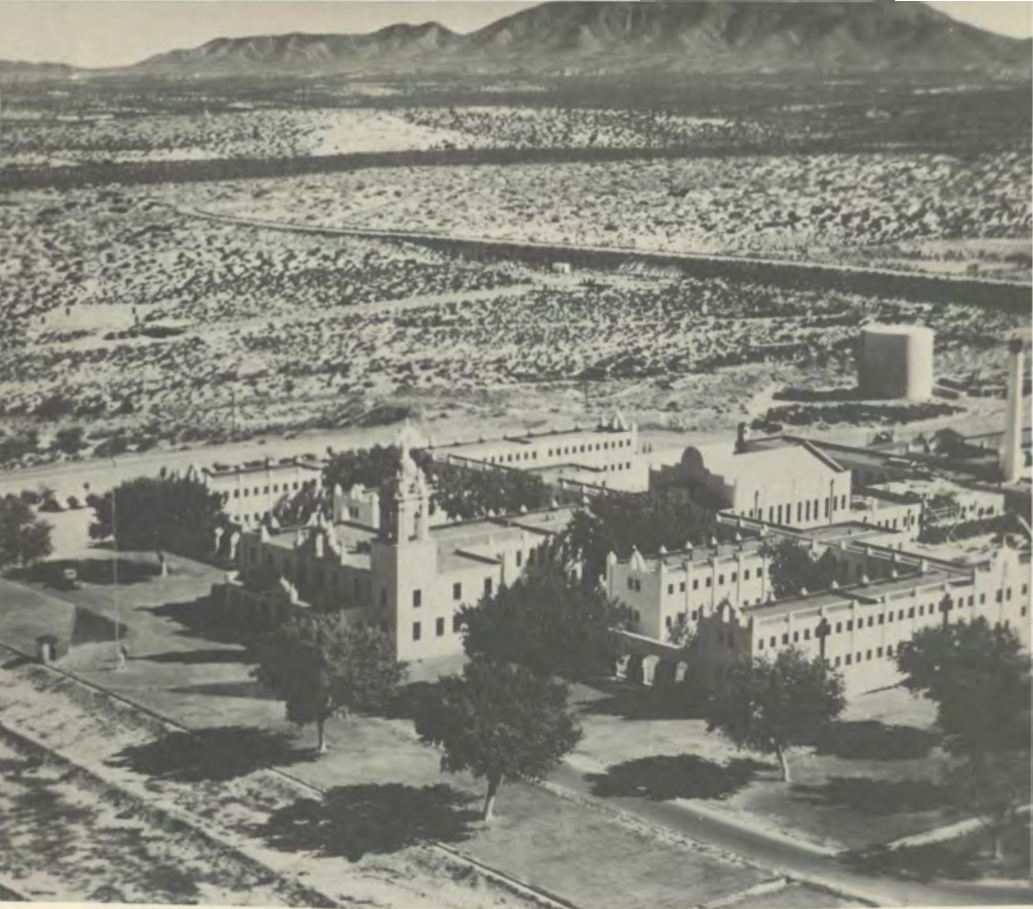


*Tom White in 1929
when he was warden
at Leavenworth Federal
Prison.*



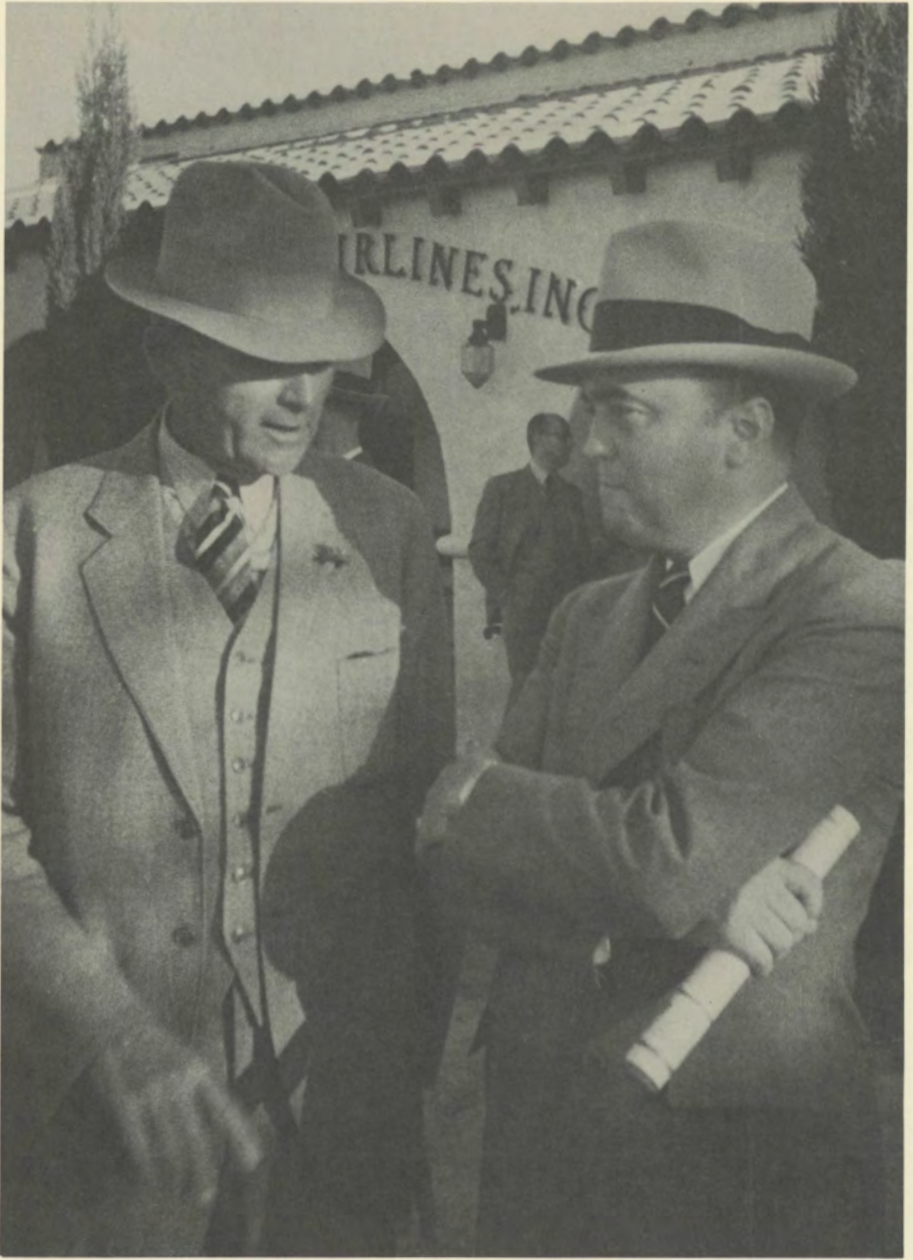
Leavenworth Federal Prison (above) and the Warden's residence (below).





La Tuna Federal Correctional Institution (above) and Warden's residence (below).





Tom White is shown with J. Edgar Hoover in a picture made circa 1935.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

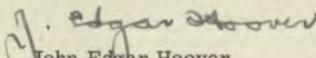
WASHINGTON, D.C. 20535

October 19, 1970

Thomas B. White, who served in the FBI in the 1920's, truly displayed the high qualities which have been so vital to this Bureau throughout the years. He performed his duties with dedication, perseverance, and effectiveness. As I wrote to him on one occasion in early 1925:

You fearlessly and faithfully and without regard to your personal comfort devoted your entire energies towards acquitting yourself credibly as Acting Warden of the Atlanta Penitentiary. I am very proud indeed of the fact that the Attorney General saw fit to designate an Agent of this Bureau as Acting Warden of the Penitentiary and I am now doubly proud of the record made by you. You brought credit and distinction not only to yourself but to the service we all have at heart; namely, the Bureau of Investigation.

Men such as Mr. White can indeed be proud of their achievements, not only to the FBI but to all of law enforcement as well.


John Edgar Hoover
Director

Commendation received from J. Edgar Hoover in 1970.



Bessie and Tom White posed for this photograph in 1970, about six months before his death.

was being considered.

During these legal maneuverings, Ernest Burkhart had requested and received protective custody from the FBI. Threats had been made against him and, to judge by past events, he had good reason to fear for his life after making the confessions which had implicated Bill Hale. While he was in custody, Burkhart was, of course, unavailable to the defense lawyers, who were making strenuous but unsuccessful efforts to force the FBI to release him. When the trial began, however, they had their opportunity. Burkhart, as the key witness for the prosecution, had to be presented in court. The defense immediately requested and was given permission to confer privately with him. The result of this conference was entirely predictable. When Burkhart returned to the courtroom he not only retracted his written confession but gave a long tale of trickery, deceit, threats, and physical punishment used by the FBI in obtaining it. Not only the thoughts expressed but the words used in expressing them were so patently foreign to him that the whole performance was ridiculous. The only thing that kept it from being hilariously laughable to the FBI agents and Government attorneys was the knowledge that more time, effort, and money would now be required to prove to the satisfaction of the court the guilt which was so well known to so many people. Since the case against Hale and Ramsey leaned so heavily on Burkhart's testimony, his repudiation of his confession and refusal to testify against them resulted in dismissal of the case.

At this point the U.S. Attorney requested the FBI to file charges against Burkhart himself for his part in the Smith murders. The evidence showed that he had been active in securing the services of Ace Kirby to blow up the Smith home, after trying unsuccessfully to get several other mobsters to do the job. The charges were filed and Burkhart was placed in the Osage county jail at Pawhuska and trial begun in the Oklahoma State District Court. Hale's attorneys took charge of the defense.

After several days of wrangling between the attorneys for the prosecution and those for the defense, Burkhart again reversed himself and said that he wished to plead guilty. The special prose-

cutor for the Osage Nation, Mr. John Leahy, recommended to him that he retain an attorney of his own choice, and consult with him before making such an important decision. He did so and after conferring with his new attorney, a Mr. Flint Moss, reaffirmed his desire to plead guilty and confess his entire part in the explosion which killed the Smiths. The court finally accepted this plea and allowed his confession to be introduced as evidence. Burkhart was found guilty of conspiring to cause the deaths of the Smiths and was sentenced to life imprisonment in the Oklahoma State prison at McAllister.

On the very day when Burkhart changed his plea and confessed to his part in the killing of the Smiths, one of the United States Senators from Oklahoma was in the office of the Attorney General in Washington, demanding that disciplinary action be taken against Tom and his staff for their conduct out in his state. He claimed that they were harassing innocent citizens by their use of third degree tactics, and were arresting responsible and respectable persons and subjecting them to trial without any justification. He cited the case of Ernest Burkhart as an example. Here was a highly respected member of a prominent family being humiliated by being dragged into court without a shred of evidence to show that he was guilty of any wrongdoing whatever. By a most unusual and fortuitous coincidence, the Director of the FBI, J. Edgar Hoover, walked into the Attorney General's office at that moment with a telegram he had just received from Tom, informing him that Burkhart had discharged his (Hale's) attorneys, pleaded guilty, and told the whole story of his part in the Smith murders. It was reported that the Senator's exit was much quieter than his entrance had been a few moments earlier.

At about this time, the United States Supreme Court rendered its opinion on the appeal of the U.S. Attorney from the District Court's ruling which denied jurisdiction in the Hale-Ramsey case. The ruling reversed the lower court and declared that the Federal Government has jurisdiction in any case in which the offense is committed on a Federal Indian Allotment. Upon receipt of this decision, the U.S. District Attorney immediately filed charges

against Hale and Ramsey for the murder of Henry Roan Horse. The defendants were placed in the county jail at Pawhuska to await trial.

During the trial, which was held at Guthrie, the defense charged that Ramsey's confession, which was a vital part of the prosecution's case, had been secured by improper means, including the use of threats, force, and physical punishment. This was denied by the government, of course, and the court found no basis for the claims of the defense. They were just too preposterous to be believable, and the defendants were found guilty as charged. They applied for a new trial which was denied. On appeal, the U.S. Circuit Court of Appeals reversed this action and granted the defendants a new trial. It was to be conducted in Oklahoma City under Judge Pollock who was brought in from Kansas for this specific purpose.

This second trial was conducted with great despatch and judicial competence, according to Tom. Rulings were made promptly and equitably, on the basis of the facts as presented, and in accordance with the principles of justice. Obviously phony legal maneuvers were not allowed to impede the progress of the trial. When the jury rendered its verdict of guilty, with a recommendation of mercy, Judge Pollock, in pronouncing sentence on the two defendants, said, "My disagreeable duty in sentencing you is made easier by law, for it gives me no alternative. You have been tried by a jury of your peers and found guilty of taking the life of an Indian. Therefore, I sentence each and both of you to spend the rest of your natural lives in Leavenworth Penitentiary." As Whitehead aptly phrases it in *The FBI Story*, "The bloody reign of the 'King of the Osage Hills' had ended. The FBI had closed one of the most fantastic cases in its files."

In the meantime, during the course of these judicial proceedings, Tom had been appointed Acting Warden of Leavenworth Penitentiary. He was serving in that capacity and was in the "receiving line" when Hale and Ramsey arrived at the big Federal institution to begin serving their sentences. He remarks, with his typical little wry smile, that they were two of the many new prisoners he received during his career as Federal prison warden about whom he required no briefing, since he knew their histories as well as his own.

As a direct result of the investigation and trials which resulted in the convictions of Hale, Ramsey, Burkhart, and Morrison, and the publicity focused on the abuses of other Indians which stemmed from these actions, Federal laws were enacted looking to the prevention of other such abuses. These laws, contained in the Act of February, 1927, prohibited any person convicted of taking the life of an Osage Indian from inheriting any part of the estate of the victim. They also limited the inheritance from those persons of one-half or more Osage Indian blood of all restricted lands, moneys, and mineral interests, to those heirs who are also of Indian blood. This latter provision, of course, took most of the profit out of the white man's game of marrying the Indian squaw for the purpose of inheriting her wealth.

Some time after Tom and Bessie White had moved to their new home at Leavenworth, Tom received a copy of a document which reads:

RESOLUTION

Being appreciative of the splendid work done in the matter of the investigation of the killing of certain members of the Osage Tribe of Indians, and the trial and convictions of the parties charged with such offenses, the Osage Tribal Council, in session assembled, deems it proper to express the appreciation of the Osage Tribe of Indians, as well as of the Osage Tribal Council, for such services:

NOW, THEREFORE, BE IT RESOLVED by the OSAGE TRIBAL COUNCIL, in session assembled, this first day of November, 1926, that, speaking for the Osage Tribe of Indians, as well as for the Osage Tribal Council, we express our sincere gratitude for the splendid work done in the matter of investigating and bringing to justice the parties charged with the murders of Henry Roan [sic] and Rita Smith, members of the Osage Tribe of Indians; Honorable Robert Work, Secretary of the Interior; Honorable Charles Burke, Commissioner of Indian Affairs; Honorable Oscar Luhring, Assistant United States Attorney General; Honorable Edwin Brown, Assistant Attorney General; the Honorable Honorable Roy St. Lewis, United States District Attorney for the Western District of Oklahoma; the Honorable T. J. Leahy, Special Assistant United States Attorney General, and representative of the Osage Tribe of Indians in the prosecution of said cases; the Honorable J. George Wright,

Superintendent of the Osage Tribe of Indians; the Honorable J. M. Humphreys, Osage Tribal Attorney; Thomas B. White, Special Agent of the Department of Justice in Charge of the District of Oklahoma and Arkansas; Frank B. Smith, Special Agent of the Department of Justice; John R. Burger, Special Agent of the Department of Justice; John K. Wren, Special Agent of the Department of Justice; Alec Street, Special Agent of the Department of Justice; the Honorable George F. Short, Attorney General of the State of Oklahoma; the Honorable Edwin B. Dabney, Assistant Attorney General for the State of Oklahoma; the Honorable C. K. Templeton, County Attorney of Osage County; Oklahoma; the Honorable A. L. Jeffrey, Assistant County Attorney of Osage County, Oklahoma; H. M. Freas, Sheriff of Osage County, Oklahoma; and the many splendid citizens residing in Osage County, and especially in and around Fairfax, for the time and labor given by them, without compensation, and to numerous other persons who gave of their time and labor for the purpose of ferreting out the parties guilty of these atrocious murders and bringing them to justice.

Be it further resolved that we appreciate the work done by the Honorable J. W. Harreld, United States Senator from Oklahoma, and Chairman of the United States Indian Affairs Committee, the Honorable Charles Curtis, United States Senator from Kansas, the Honorable Sam Montgomery, Member of Congress from the First Congressional District of Oklahoma; for their efforts in securing an appropriation out of the Osage Tribal Funds providing for special counsel to aid and assist the Attorney General of the United States and the prosecuting officers of Osage County, Oklahoma, and to pay for such extra expenses as might be necessary in the prosecution of such cases.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to each of the parties above named, and that a copy be given to the press for publication.

SIGNED *Fred Lookout*
PRINCIPAL CHIEF

ATTEST:

George Alberts
ACTING SECRETARY

As Tom looks back over the years, he finds "The Oklahoma Case" peculiarly satisfying. There were of course many frustrating and disillusioning experiences and countless times when he doubted whether his mission could ever be accomplished. This made the

ultimate success doubly gratifying. Anyone who has ever achieved a much-desired goal over tremendous odds — who has come from far behind to win — will have no difficulty in understanding the great satisfaction he gets from recalling his part in this case.

The thing of greatest significance to him, though, is not the fact that he had a key part in performing a remarkable feat of criminal investigation which resulted in clearing up several crimes which had long before been marked off as defying solution. The truly meaningful result of the efforts of the men mentioned in the Resolution of the Tribal Council was that of bringing the plight of the American Indian to the attention of the rest of the country. Our reason for quoting this lengthy document in its entirety was to attempt to give full credit to the men who played a significant part in this historic development. As a direct result of their accomplishments, the conscience of white America was aroused. This is shown by the enactment of the legislation we have mentioned. Even more important than these laws, however, was the challenge to our way of thinking and our pattern of prejudice. This case must be regarded as one of the milestones which has finally brought those white Americans who are worthy of the name, to regard the Indian American, in spite of his different culture, as a fellow human being, entitled to the same respect, dignity, and fair treatment as a white neighbor.

CHAPTER VII

TO LEAVENWORTH

☞ TOM HAD SCARCELY had a chance to catch his breath from his labors in Oklahoma before he received a telephone call from Mr. Hoover directing him to report to the Federal Penitentiary in Leavenworth for a conference with officials of the Bureau of Prisons. Upon his arrival he learned that these gentlemen and Mr. Hoover had been having some conversations about him as a future warden in the Federal prison system. He had shown an interest and a definite ability for this work during his brief stay at Atlanta, and the improvements he had made in the administration of that institution had not gone unnoticed in Washington. Briefly, it was suggested that he serve as deputy warden for a time. If all went well, he would then be made warden upon the retirement of the man presently in that position, first in an "acting" capacity, after which he would then be formally placed in charge of "The Big L," as this huge prison is known to convicts throughout the country. While serving as deputy and acting warden, he would retain his official status as Special Agent for the Federal Bureau of Investigation.

It isn't difficult to imagine the conflicting emotions which tore at Tom as he considered this proposal. Through his work as Special Agent in Charge of three different offices of the FBI and his additional duty as Inspector of the other offices in the southern and western states, he had made many friends in the FBI and had become thoroughly familiar with its work. Also, he held his chief, J. Edgar Hoover, in the highest esteem, both professionally and as a personal friend. From all indications, including Hoover's selection of Tom for such important assignments as those in Atlanta and Oklahoma, these feelings were reciprocated. There was certainly ample reason for Tom to look forward to a continued successful and satisfying career with the FBI. Another reason for some hesitancy about making the proposed change was a question, later shared by Bessie, about rearing their two young sons in the shadow of a penitentiary. And, after all, he was now forty-five years old, and sig-

nificant career changes such as he was contemplating are not made as readily then as at thirty.

On the other hand, the job of warden at the largest prison in the Federal penal system presented a real challenge — and it had always been difficult for Tom White to turn away from a challenge. It was something new to him, except for the brief experience at Atlanta, and he had always been one to try something new. Besides, as warden of a Federal prison he could devote more time to his home and family than work with the FBI was ever likely to permit. This should help offset any undesirable effects of rearing the children in a prison environment.

There was another factor which he did not fully recognize and of which he was scarcely aware at the time but, on looking back, describes as “just a vague feeling.” This had to do with what he now recognizes as the rehabilitation of criminals, as contrasted with the simple acts of apprehending and punishing them. It is doubtful whether he had a useful acquaintance with the word “rehabilitation” at the time, since neither it nor the concept it represents had yet come into vogue. Criminals committed crimes. Legitimate society caught them — when it could — and locked them up or killed them, depending on the nature of the crime. All very nice and neat.

The average person considered the primary purpose of imprisonment or execution to be the punishment of the criminal, while the more enlightened regarded it as being for the protection of society. Both groups tended to look upon criminals in much the same way that Gertrude Stein regarded the rose. Here and there an occasional voice such as that of James V. Bennett, later an outstanding Director of the Bureau of Prisons and author of the book *I Chose Prison*, was raised in advocacy of greater efforts to rehabilitate convicts. Later they would be heard, but they received scant attention at this time.

Tom would be the first to deny that he has ever been a “crusader” in this matter, and he certainly holds no brief for the coddling and pampering of those who prey upon their fellow men,

which is now too often evident in the familiar pattern of over-reaction to the former attitudes of indifference or hostility to them. Nevertheless, he has always instinctively known that there is more to fighting crime than simply catching and punishing those who commit it. This probably goes back to his early training at the hands of Sheriff Emmet White but, in any case, it is amply demonstrated by his later work among the convicts who were committed to his charge. Many of the latter would testify, as a few have done publicly, that Tom White was one of a small group then in the prison service who was ahead of his time in this respect.

The final affirmative entry in the "pro and con" list which he was mentally adding up to arrive at his decision was pulled out of his report of the Atlanta investigation. At that time, it will be remembered, he had strongly recommended that wardens of the Federal prisons be selected on the basis of training and experience, rather than be placed in these vitally important positions as rewards for political activity, as had been the custom. He was now to be in a position where he could play a part in implementing a policy which he had not only recommended officially but in which he firmly believed. After considering all of these factors, he decided to accept the offer, and he notified Mr. Hoover and the Chief of the Bureau of Prisons accordingly. He and Bessie then started packing once more.

The Whites moved to Leavenworth, Kansas, on October 1, 1926. Bessie recalls that it was very cold and, having spent most of their lives in the more moderate climate of south and central Texas, they were unprepared for the rigors of a Kansas winter. Tom was impatient with heavy outer clothing but he did finally consent to a suit of long-handled woolen underwear. He was an active man, and his tall coatless figure was soon a familiar sight as he strode about the prison grounds and surrounding area looking after things. Bessie reports that their new neighbors would just shake their heads as though they considered him completely hopeless, and say, "Look at that fool man out in this weather with no coat." This contributed to the reputation he ultimately acquired for being completely in-

different to personal discomfort and — later — danger. Bessie goes on to point out, however, that the others didn't know about the long-handled underwear.

According to the original understanding, Tom served for a time in an "acting" capacity, retaining his position as Special Agent of the Federal Bureau of Investigation. Then, on March 7, 1927, he was formally appointed as Warden. He remembers the date well. For one thing, it was the day following his forty-sixth birthday. He had hoped the appointment might be made a day earlier, as a birthday present, and his chief would like to have had it that way. The Attorney General would have agreed except for one thing. The appointment of a Texas-style Democrat to a post of this nature under a Republican administration was unprecedented, and was calculated to arouse some opposition. The Attorney General considered it expedient to withhold announcement of Tom's appointment until Congress had adjourned. This action took place on March 6, hence the appointment was announced the following day.

As warden of Leavenworth Penitentiary, Tom found himself in charge of an institution which had been designed and constructed to house 1800 prisoners but which had a population, during his tenure, ranging from 2000 to 4000. This disastrous overcrowding, coupled with chronic understaffing, resulted in constant security problems, not to mention those of prisoner supervision and just plain everyday sanitation. Prescribed and desirable security measures frequently had to be modified, simply because of insufficient staff and facilities. It was often necessary to use prisoners for duties which should have been performed by paid personnel, and to assign the latter elsewhere — and just hope for the best. As one listens to his description of crowded conditions and scarcity of trained staff, he can only wonder why there were not more disturbances, riots, and breaks. The relative scarcity of such incidents is a real testimonial to the ability and dedication of the overworked staff.

In this connection, by the way, Tom reports that he was greatly impressed by the overall ability and integrity of the persons staffing the Leavenworth and La Tuna prisons which he directed. There

are naturally many opportunities for these persons to reap substantial financial gains by doing "favors" for wealthy convicts, as we have seen from the reports of the mess at the Atlanta prison. He reports, however, that he never had any reason to suspect any of his crew, in spite of temptations which he knew were often thrown in their way.

Another thing which impressed him was the knowledge of convict (or should we just say human) behavior displayed by some of the employees. In some cases this amounted almost to intuition. There was the time he was walking through the grounds with one of the officers, engaged in casual conversation. Suddenly, the other interrupted himself in the middle of a sentence, jerked his thumb toward a convict walking by a short distance away, and said, "See that fellow over there? He's up to something he shouldn't be." Tom looked the man over and could see nothing in his appearance or manner to indicate he was "up to something," and said so. The guard stood his ground and insisted the prisoner was up to no good, and offered to bet on it. No bet was made but Tom, greatly intrigued, asked what made the other so sure something was wrong. He didn't know, he said. Just a hunch. Maybe the way the guy looked or acted. Tom said, "Or smells?" To which the officer only replied, "Could be."

By this time, Tom's curiosity was really aroused. He called the convict over and questioned him briefly. Still seeing nothing suspicious about him, he challenged the guard to prove his point. The three went into a nearby empty office and the guard questioned the convict, asking him specifically what kind of unauthorized things he had on his person. The other insisted he had none, but when the guard ordered him to strip, he said, "O.K., I guess you've got me." He then reached under his clothing and pulled out a money belt which proved to contain a large amount of money.

Prisoners were never allowed to have money in their possession. Any funds a convicted man had on his person at the time of his admission were taken from him and credited to his account in the prison office. This could be added to or withdrawn at any time, just

like a bank account, except that withdrawals could be made only for the purpose of sending money to someone on the outside. And if these recipients were not members of the convict's family, the transaction had to be explained to the satisfaction of an appropriate prison officer. In any event, this particular prisoner's possession of the money was not only a clear violation of the rules, but also a good indication that he had some kind of illicit racket going. It was confiscated at once, and deposited to his account, while Tom congratulated the officer on the accuracy of his hunch.

There were adjustments to be made by all members of the White family. Bessie spent many sleepless nights trying to answer her own questions, which were mostly some variation of "How do you raise two young boys in this kind of environment, where your cook is a bootlegger, your gardener a train robber, and your chauffeur a safe-cracker?" One can only say that subsequent events have shown that she must have come up with some pretty good answers.

The cook, incidentally, was not just an ordinary bootlegger. He was a member of Willie Harr's notorious gang, and Tom was largely responsible for his temporary residence at Leavenworth. When one of the prison officials learned who was doing the cooking for the new warden's family, he was horrified. Finally he said, "Good Lord, man, he will poison your whole family." That evening at dinner Tom told the cook, "I think I ought to tell you that if I ever get the slightest stomach-ache or sick feeling after a meal, I'll put a bullet right between your eyes without asking a single question." The man was not quite sure whether he was joking or deadly serious, but he always prepared excellent food and the family had no trouble of any kind with him.

The ethical standards of the Whites must have been higher than those of some of their predecessors, if we can judge by the actions of some of the firms doing business with the prison, or hoping to do so. No sooner had Tom assumed his new duties than gifts and offers of favors began arriving. The gifts were returned unopened and the offers of free services were declined with thanks. It wasn't always easy. Bessie remembers all too well those two big beautiful

boxes of Christmas candy one company sent to the two young White brothers. She said the boys were sure they were in heaven when the boxes arrived — and she and Tom felt like they were in hell when they sent them back!

As might be expected, among the thousands of convicts who passed in and out through the doors of Leavenworth while Tom was Warden, the names of a handful stand out vividly in his memory, though for different reasons. One such name is that of Morris Rudensky, known throughout the underworld as Big Red.

Red was known to Tom by reputation before the latter became Warden. As a matter of fact, his exploits were known to most men on both sides of the law. Red was an accomplished safe-cracker, an expert break-out artist, and generally very proficient in the art of violating the law and outwitting its enforcement officers. His outstanding quality, however, was the ability to organize, inspire, and lead others. It has often been observed that a successful criminal would have been equally outstanding in legitimate endeavors if he had but chosen that path. In no case can this be more confidently said than in that of Morris Rudensky.

Warden White was well aware of Red's position of leadership among the inmates of The Big L, so he sought him out soon after taking over, and enlisted his assistance in maintaining an orderly situation. He explained the overcrowded conditions and inadequate facilities, and acknowledged that they often caused difficulties for the inmates as well as the staff. Nevertheless, this was what they had to work with and they all had to make the best of it. An attitude of cooperativeness by both sides could go far toward reducing unpleasant situations and incidents. He assured the convict leader of his own good will and his determination to see that every man in his custody always received fair treatment. There would be no favors and no softness — after all, most of the inmates, including Red, were hardened repeaters — but neither would there be any unnecessary harshness. In the final analysis, the prisoners themselves would determine the kind of treatment they would get.

This meeting between the number one man on the prison man-

agment team and his counterpart among the inmates marked the beginning of a relationship which was unusual, to say the least. The impact on Red of meeting a "law and order man" whom he instinctively recognized to be a man of integrity and honesty, and one who was genuinely interested in him as a person, is best described in a very few words by Red himself. In his fascinating book, *The Gonif*, written forty-odd years later, Rudensky writes, "Suddenly I felt that White, like Ward, could help me. For the first time in the Big L, I hummed to myself. For the first time I had a ray of hope." Here and elsewhere, it is evident from Red's own words that Warden White kept alive, during very difficult times for him, the spark which Charlie Ward, another convict, had kindled — the spark which ultimately led this "incorrigible" criminal to a constructive life which may well provide priceless inspiration to many others.

A high point in the relationship between Warden White and convict Rudensky, whose origins and careers were as far apart as the poles, was reached one evening in late October of 1970 when Tom and Bessie, at home in their El Paso apartment, received a telephone call from Red at his Saint Paul, Minnesota home. The conversation lasted for something over twenty minutes, and included both the Whites and Red and his wife Eileen. The big news was the publication of Red's book. A few days later Tom received a copy of *The Gonif* with this inscription on the fly leaf:

Warden White: Greetings and Good Wishes to my great friend and loyal booster throughout the years of *our* "Government Service." My respect to you and yours always. With every good wish I salute you Warden. We hope to see you soon. God Bless you,
Red and Eileen Rudensky.

Two of Red's more imaginative attempts to break out of the Big L had occurred shortly before Tom became warden. As Tom relates the stories they are naturally lacking in the intimate, first-person detail to be found in Red's own story, but they are nonetheless worth the telling.

In the first attempt, Red decided that he and a fellow convict with the lyrical name of Itchy Fenney would substitute their bodies for a supply of printed forms which was to be shipped out of the

prison print shop where they were working at the time. He settled upon a shipment destined for the Federal Penitentiary at McNeil's Island, Washington, since this would be a long trip with very few stops. They had no intention of completing the journey, of course, intending to break open the crate and leave the train at some suitable point en route. To this end they had arranged for a buddy who worked in the packing room to put a coating of graphite on the nails used in building the crate, to make for easier exit. The whole scheme was a masterpiece of planning, cooperation, and execution by the various convicts who had to lend a hand. At the last moment the forms were removed from the 18"x30"x60" crate, and hidden in a previously selected place, to be gradually returned to the stock shelves. Red and Itchy got into the empty crate and their bodies were covered with a thin layer of the forms. This was necessary because the slats on top of the crate were placed half an inch apart. On this very special shipment they were nailed in place with the specially lubricated nails.

The half-inch spacing of the top boards was to allow visual inspection of shipments at the loading dock. This was supplemented by probing or jabbing by the guards, using long-handled bayonet-like blades, which they inserted between the spaced slats. The would-be escapees were fully aware of the hazard this procedure presented, but Red, after long and careful observation, had noted that it was usually carried out in a casual, offhand manner. This was to be expected after months of uneventful repetition. The guards had no expectation of finding anything and a really thorough, vigorous examination was unlikely unless there was a new man on the job. Red was quite willing to take this risk himself, and he knew that if he was unlucky enough to be stabbed by one of the blades, he could take it silently. He wasn't so sure about Itchy, who just might make a fuss. He warned him, however, that if he was struck he had better not yell and spoil things, or he would get something worse from Red than the prison authorities would ever give him.

These two were the most unlikely partners. Fenney was a thin, anemic character who was afflicted with chronic asthma. He was

not in Red's league in any respect and one wonders why he was chosen to share in this escape attempt. It seems likely that Red selected him simply because he needed a partner to help pry the crate apart while the train was rolling westward, and Itchy was the smallest one he could find — and space was at a premium in that casket-like crate.

It was Fenney's fortitude that was put to the test. When the guard's blade struck him sharply in the leg, only Red heard the slight grunt and felt the flinching movement. His reaction was not audible outside the crate and the guard passed it for loading on the train.

At the last moment, all of the elaborate preparations and work which had gone into this project were nullified, not by anyone's astuteness or excellent work, but by simple, inexcusable carelessness on the part of a freight handler. This sloppy workman completely ignored the large sign, reading "THIS END UP," which had been carefully stencilled on the proper end of the crate. As a result, our two heroes spent more than seven hours standing on their heads in a jolting, bumping freight car. They could not get their hands in position to cushion the bumps, and they were unable to brace themselves in any way to lessen the shock. They both lost consciousness periodically and, during the latter part of their ordeal, remained that way, bleeding from their noses and mouths. That, along with Itchy's bleeding from his leg wound, saved their lives. An expressman at one of the stops saw the pool of blood at the bottom of the crate. Noting the origin and destination of the shipment, he called the law enforcement authorities. They opened the box and found the two unconscious escapees. After the convicts were given medical attention, they were soon on their way back to the Big L.

Some time later Red conceived an even more bizarre plan for escaping. Very little that went on about him escaped Red's attention; he soon discovered that the bodies of convicts who died were sent outside for embalming. This meant that there was very little delay in getting a body out to the mortuary. When an inmate died, the body was placed in a heavy canvas bag, similar to those used

in burying sailors at sea. It was kept in the prison morgue only long enough to arrange for a vehicle and attendants to convey it to the mortuary. Rudensky knew that there was a convict in the hospital with a terminal illness, who was extremely emaciated and whose body would weigh practically nothing. He decided the attendants who would be called upon to handle it would have no occasion to know about the patient's very light weight, or wouldn't think about it, so that he could accompany the deceased without being noticed. He knew he would have to improvise at the other end of the journey, but was willing to rely on his wits to take care of matters as they came up. He hoped he would have an opportunity to make his getaway from the vehicle, or that he would have a few minutes alone at the mortuary. But if the worst came and the bag was opened immediately and his presence with the corpse discovered, he assumed, with some reason, that the element of surprise would be sufficiently in his favor to give him a good chance of making his escape. Anyway, he had always been a gambler.

When his fellow convict expired, Red went to the morgue immediately. His skill with locks made access a simple matter, and in a moment he was alone with the corpse. He quickly untied the bag which contained the body, crawled in with it, pulled the tie strings inside, tied them, and pushed the tied cords back outside. Then he began to wonder whether the whole thing was such a good idea, after all. So far, the heady prospect of outwitting the "screws" and making a successful break, and then his feverish activity, had completely occupied his mind. Now that the action was over temporarily and he had nothing to do but wait, the inevitable reaction had set in. And what a place to wait! Sharing an almost airtight canvas bag (which had obviously been used for the same purpose many times before) with a foul-smelling corpse, which he would have to embrace like a lover for who knew how long? It was almost too much even for Red Rudensky's granite-like emotional and physical makeup, and he was beginning to think it wasn't such a bargain. That odor was too much!

Presently two attendants came in, and he prepared to go through with the ordeal. Clasp ing the dead body, he was trying desperately

to make them appear as one through the covering of the canvas bag. The attendants merely made a routine check, however, and then one of them said, "Well, as long as its going to be at least four hours before the wagon gets here, we may as well lock up and come back later." They had scarcely locked the door behind them before Red was working desperately to get those tie cords inside the bag where he could get them undone. It took a long time, although probably not as long as it seemed, but finally he made it. The only person who knew about that escape attempt for a long time was a convict orderly who found him on his knees by the bag a few minutes later, retching and vomiting as though he would never stop.

It is tempting to speculate on the profound effect these two escape "failures" had on the life of Red Rudensky — and who knows how many others. If he had succeeded in either attempt, he would naturally have immediately rejoined his old associates and resumed his career of crime where he left off when he was imprisoned. It is inevitable that his period of freedom would have been very short and that, when recaptured, he would have spent the rest of his life in maximum security prisons, with no hope of parole. As it was, it took years of flawless conduct and the testimony of numerous officials of the prison service for him to gain his freedom.

And, strangely enough, as one reads Rudensky's own account of these escapades, he cannot escape the conclusion that his real purpose was not that of regaining his freedom. The real motivating factors were related to outwitting his opponents (the prison guards and officials) and earning the plaudits of his teammates and fans (his fellow convicts), and, of course, proving himself *to himself*. Not so very different, after all, from the drives which spur an athlete, artist, or industrialist to superhuman efforts.

It may be difficult for some people to understand this, but Red was essentially a religious person. He wavered between the doctrines of his original Jewish faith and those of Christianity, but he was also deeply interested in the teachings of Mohammed. When a Jewish Rabbi was committed to Leavenworth, it is not surprising that Red stepped forward immediately and acted as his sponsor.

This undoubtedly protected the rabbi from ridicule and other unpleasant experiences which would otherwise have occurred.

A committee was appointed to request a waiver of the standard practice of giving each prisoner a shave and the usual prison hair cut. Red, as chairman of the committee, presented the request to Tom. The latter agreed to let the rabbi keep his beard and long hair on one condition. That was simply that he sit at the front table at every meal in the dining hall. Tom explains this provision by pointing out that the hall where the prisoners were fed was furnished with long narrow tables, with benches on only one side. This way, all of the diners sat facing one way, which allowed better observation by the officers. This close supervision was necessary because meal time is a favorite for troublemakers to act up. Tom had observed that, when he had a "celebrity" on his hands, chow time was an occasion for twisting, turning, rubber-necking, and general confusion, so he simply put these notables (usually newly admitted notorious mobsters) at the front table, where all of the boys could see them without much trouble. In this case, the terms were agreeable, so the rabbi ate all of his meals at the front table, resplendent in his long hair and rabbinical beard.

Red wrote an article about the rabbi but never succeeded in getting it published. Tom recalls that the title of the article was something like "The Most Unforgettable Character I Have Known." In view of the range of Red's acquaintances among all elements of society, from the dregs to the cream, that is quite a description. It is unfortunate that he did not include a chapter about the rabbi in his book.

In response to a question about other members of the clergy who might have served time under him, Tom recalled several, including one Baptist minister who was apparently a pathological liar. He just couldn't tell the truth. Tom went on to admit, rather wryly, that members of the Baptist church were far too plentiful among the inmates at Leavenworth. As a staunch lifetime Baptist himself, this was just a bit difficult for him to accept. He enjoys recounting a conversation he had with a lady from Arkansas who had come to the prison to visit the prevaricating minister. One of the current

headline stories was about two Baptist ministers in Arkansas who had had a violent argument which ended by one of them killing the other. Tom mentioned this incident and, just by way of making conversation, remarked that "We Baptists seem to be having our troubles." The lady came back with, "That is because the Baptist church and the faith it represents is the only one that is still alive. All of the others are dead." That ended the conversation since Tom had no ready reply!

CHAPTER VIII

LIFE AND DEATH IN THE BIG L

☞ AUGUST 1, 1929, was the date of a riot at Leavenworth which threatened to engulf the entire institution. The lives of dozens of inmates and employees hung in the balance. Not the least interesting aspect of the difficulty lies in the contrasting viewpoints of two of the principals, Warden Tom White and convict leader Red Rudensky.

Tom had known for some time that trouble was brewing among the convicts. There had been an unusual number of fights among them, coupled with several attacks upon the guards and numerous violations of the prison rules. Finally, he had been forced to invoke stricter rules and withhold normal privileges in an effort to restore order and enforce compliance with regulations — the standard procedure known as a crackdown. He and his officers had made inquiries in the usual places and probed as best they could in an effort to find out what was brewing and who was responsible, but with no results.

Then, on August 1, things broke wide open in the dining hall, the most common scene of such disturbances. There are at least two reasons why the mess hall is so often the center of prison riots. First, this is the one place where all or most of the convicts are congregated, so there is the greatest opportunity here to provide mutual support and encouragement. In a large group the symptoms of mob psychology are never far below the surface of what passes for normal behavior. It is well known that a gentle nudge here and a mild suggestion there will quickly bring about reactions from the members of a crowd which would never be displayed by those same people as individuals. It's just the well-known process of "egging each other on" with which every group supervisor is familiar.

The second reason for the popularity of the dining hall as a scene of trouble is one known to every manager of an institution which feeds large groups. This is the ever-present griping about "the lousy food." At its very best, institutional food cannot com-

pare with that which is prepared to suit individual tastes, and Warden White would be the first to admit that the food served to the inmates of the Big L was not always of gourmet quality. Aside from the limited funds with which to buy it, there was the difficulty of preparing and serving food to four thousand men with trained staff and facilities meant for half that number. It is easy for a troublemaker to direct group feelings of resentment and hostility originally aroused by indifferent food into other channels. And there is never a dearth of troublemakers in any prison.

As Tom relates the incident, it was no big problem:

"Word came to me that there was trouble in the dining hall. I took several members of my staff and went over there immediately. We found the place in an uproar. I knew Red Rudensky would have a hand in whatever was going on so I looked for him. We talked things over and when he saw how it was getting out of hand and things were becoming pretty rough he pulled out of it. Without his support the whole thing collapsed without anyone being badly hurt and no real serious damage."

Red's version is somewhat different. As he describes the episode in his book, a cup was hurled against the wall by a disgruntled convict. This was followed by a plate — then twenty plates — then two hundred. Soon, two thousand plates and cups had been smashed on the walls and floors. Guards were grabbed and beaten, and the whole thing was building up to the point where indiscriminate destruction and killing were inevitable, when "Into this caldron of madness came the palefaced convoy of Warden White, Deputy Warden Fred Zerbst, Father Kaline, the prison chaplain, and several minor officials." Further on in his graphic description of the riot, with increasing demands from the convicts to "Kill the dirty bastards. Let's string them up right here," Rudensky says, "White, like a man hanging on a cliff by his fingers, looked at all of us, his features unmoved. No one touched this brave, imposing man."

From a reading of Red's account, it is easy to see that the single thing that influenced him to act as he did was Tom White's courage in the face of overwhelming odds. Strange as it may seem, it appealed strongly to his inherent sense of fair play. At any rate, he

jumped up on a table and shouted for attention. In a few moments he had succeeded in prevailing upon the mob to calm down, cease their destruction, and disperse. He assured them of Warden White's reasonableness and good faith, and his willingness to listen to any individual complaint and give it full consideration. Such an accomplishment was, of course, a tribute to Rudensky's position of leadership among his fellow convicts. The fact that he chose to exercise it in this manner was also an indication of his developing sense of social responsibility. It was also an indication of the profound influence of Warden White on this man who, throughout his entire life, had shown contempt for laws and the men who enforce them.

Another prisoner Tom remembers well and respected much was Charles E. Ward. He recognized Ward as a man of keen intellect and outstanding leadership qualities. His career after completing his sentence certainly bears out that evaluation. Ward went to work for the Brown and Bigelow Calendar Company of Saint Paul, Minnesota. He took this job at the invitation of the president of the company, whom he had met while the latter was serving a term on a conviction of income tax evasion. Upon the death of Mr. Bigelow, Charlie Ward became president of the company and brought it up to an unprecedented level of success. In many respects he was considered Saint Paul's number one citizen. Incidentally, in bringing his company up to its leading position among companies of its kind in the United States, Ward established an outstanding record for employing ex-convicts. At one time he had more than five hundred of these men on his payroll. This, in a business where competition is the keynote, speaks volumes for the effectiveness of the ex-convict as a productive worker when given the chance. Of course, Ward was anticipating the popularity of the hire-the-convict movement by some years. Whether his motives were primarily based on his empathy for these men — being one himself — or those of a hard-headed businessman trying to get the most for his dollar is unimportant. He proved his point either way.

Charlie Ward played a much greater part than any other single individual in the dramatic about-face of Red Rudensky from out-

law to staunch supporter of law and order. One thing that made a tremendous impression on Red was Ward's unending generosity with those who had no possible chance of repaying it. According to Red, Ward had \$100,000 when he was committed to Leavenworth. During his term there he gave every cent of it away, with practically the entire amount going to the destitute families of fellow convicts. When Red remonstrated with him for "throwing his money away," Ward's response was that he had come into the world without a cent and would certainly leave it the same way, so why shouldn't he use whatever he got hold of while he was here for something that did someone some good and gave him some satisfaction? Red had no answer to that.

Another inmate who was well known to Warden White was Robert Stroud, later widely known as The Bird Man of Alcatraz. Stroud was, like many other convicts, literally an animated paradox. He would not purposely kill a fly, and would nurse and tenderly care for a sick or injured bird as though its life were the most precious thing in the world. Yet he killed two men, for apparently the most trivial of reasons. According to Tom, Stroud did not kill in a blind rage or fit of uncontrollable passion. On the other hand, he did not display the cold, calculating lack of emotion of the professional killer. Tom is not a trained psychologist but he has had a wealth of opportunity to study the motivations and idiosyncrasies of criminals of all kinds. His pronounced success in dealing with them on a working, day-to-day basis indicates that he made the most of that opportunity. He agrees that paranoia was the primary cause of Stroud's actions, but he feels that this strange man's mental and emotional aberrations were unusually complex, and are not yet completely understood, despite the awesome amount of study devoted to him.

When Tom became Warden, Stroud had a large number of birds in his cell and spent nearly all of his time caring for them. Tom recognized the therapeutic value of this activity and encouraged it by showing his interest and providing the convict with such equipment and supplies as he could. The problems of sanitation were very great. He made arrangements to have the adjoining cell

vacated and an opening cut in the dividing wall. The second cell was then turned over to Stroud to use as an aviary and "bird hospital" with the condition that he keep it clean and sanitary. In fact, the daily task of performing this cleaning was recognized as his regular work assignment. Tom reports that The Bird Man was much more conscientious about scouring and cleaning the aviary than about taking care of his own cell.

There was another White in the prison whom Tom remembers with some amusement. Naturally there was the inevitable kidding about the relationship between the Warden and the prisoner — questions as to whether they were brothers and so on. The specific incident that Tom most enjoys relating about his namesake, however, involved a rather ingenious dope-smuggling attempt.

On an average day, the population of the Big L included about six hundred dope users. Strangely enough, many of them were able and, of course, all were willing, to pay whatever price was necessary to get a "fix." Under these conditions it isn't at all surprising that there was always someone trying to smuggle in a supply of dope to meet this demand. There seemed to be no limit to the persistence and ingenuity of the pushers who were willing to perform this service for a price. The result was a continuing battle of wits between the dope peddlers and the prison and Narcotics Bureau officers.

In due course, Warden White's grapevine brought him information that Convict White had an ambitious business deal going. It seemed that his girl friend was to be his supplier of narcotics and the U.S. Postal Service was going to be the unwitting transportation agent! According to the story supplied by the warden's informant, convict White's fiancée was to obtain two identical copies of the Sunday issue of a Kansas City newspaper, select a page carrying a half-page illustrated advertisement, spread morphine over the picture in one of the ads, and then cut the same picture out of the other paper and carefully paste the edges of that picture over the first one. The morphine would then be concealed between the two pictures. Later tests showed that it took much more than a cursory examination to detect the fraud.

Tom was somewhat skeptical about his source of information, a stoolpigeon who was known to work both sides of the street, so he questioned him closely. In the first place, the suspect had no history of using dope himself, or of being involved in the traffic in any way. This made the project as described a bit unusual. The convict-informant explained that this was strictly a money-making proposition on White's part. He had discovered that he could get twenty-five dollars a shot for all the morphine he could provide and, since he had a good source of supply on the outside, why not cash in on it? The next question had to do with White's plan for getting around the normal security measures. Newspapers were delivered to the inmates only when mailed directly from the publishers, under the original mailing labels, and delivered from the post office. Then they were subject to inspection in the mail room. The informer replied that the girl friend had arranged to switch mailing labels and send the paper through the mails just as though it had come from the publisher. A trusty who worked in the mail room had agreed to look out for White's paper on the crucial day, and make certain it was passed on to him without coming under the scrutiny of a guard. Tom knew this would not be too difficult since, in the mail room as elsewhere, it was necessary to use prisoners for jobs which should have been performed by prison employees, reserving for the latter only those duties having the highest security risks. This was one of the times when the ratio of employees to inmates was so low as to invite trouble of this very nature. Here it was, or seemed to be. He made a mental note to have the trusty removed from his nice job in the mail room and his other privileges withdrawn as punishment for this breach of confidence. Then he set about taking the necessary measures to thwart convict White's little scheme.

The first thing to do was to try to verify it in some measure beyond the word of a notoriously unreliable informer. Tom had the financial records of the known dope users checked, and found that two of them had recently sent payments of \$25.00 each to authorized payees. He then asked the postal inspectors to check on these two persons — in different towns — and discovered that both

of them had sent \$25.00 money orders to White's fiancée on the same day they had received the remittances from their convict relatives. There appeared to be no doubt that White was at least one source of the illicit drugs which had been plaguing the Big L officials.

Next, Tom made arrangements with the prison physician to furnish him some white powder which would look enough like the dope to fool White and his customers, but which would give them sensations just the opposite of the pleasant "trips" they anticipated. In fact, the doctor guaranteed a most unpleasant experience for anyone who used it.

It is a general rule of all penal institutions that their inmates must authorize censorship of their mail by the prison authorities. Under this general authorization, arrangements were made with the local postmaster to deliver convict White's eagerly-awaited Sunday newspaper to Warden White. When it was taken to his office, it was examined and there it was! The half-page ad was very neatly pasted in place so that it would certainly have gone unnoticed if the warning had not been received. With the aid of a razor blade, a slit was made through which the morphine was removed and weighed. A like amount of the substitute powder was then placed in the neat little compartment, which was then re-cemented in place. The paper was then rolled and secured as before, and returned to the post office for regular delivery to the addressee. Tom and his crew then just sat back and awaited developments.

They were not long in coming. In a rather remote corner of the prison grounds was an area formerly used as a brick yard. The manufacture of bricks had now been discontinued and this area had not yet been converted to other use. However, it was the favorite hangout of inmates who wished to take part in informal outdoor sports or just while away the time. Here they could get together and swap stories with minimum supervision. It now became apparent that some of their leisure-time activities were not of the kind approved by the prison administration.

The morning after White received his Kansas City paper, a convict staggered into the infirmary seeking medical care. He was

pale and violently ill, and muttered something about having been poisoned. The doctor was sympathetic but completely mystified by the patient's symptoms. He could hardly examine him or get his history because of his continual vomiting, retching, and acute diarrhea. The doctor hoped he wasn't fatally ill or poisoned but could promise him nothing. They would just have to wait and see what happened. In a few moments a call was received to send a medical orderly to the brick yard to assist another man who had developed the same symptoms but was so sick he couldn't get to the infirmary. When the orderly arrived, the man was on his hands and knees on the ground, in even worse shape than the other. And so it went that historic morning in the Leavenworth recreational area. And for once, no one blamed the sickness on the food.

Doc Bennett and his staff did all they could, but the cases were very puzzling. It looked like some kind of poisoning and the patients were all questioned about what they had eaten and drunk, but they all denied having had anything but the regular prison fare, and of course everyone else had shared that. Officially, the cause of the "epidemic" was never discovered.

The stricken ones, of course, knew the source of their brief but unpleasant illnesses. Each one of them had paid White twenty-five bucks for that "fix." There was no way of telling what he had given them, but they knew what they were going to give him! The warden had seen this coming, however, and invited his namesake to a short stretch in solitary confinement, partly for his own protection against the wrath of his erstwhile customers. This was one time when confinement in "the hole" was welcomed by the guest, in view of the alternative. Tom will certainly not say he won the war against smuggling dope into the prison, but he feels, with good reason, that he and Doc Bennett won that battle.

Dr. Frederick Cook, who never relinquished his claim to being the original discoverer of the North Pole, was one of the most cooperative prisoners Tom encountered while at Leavenworth. He also found the doctor to be a most interesting and amiable person. He served as a prison physician for some time and made a most satisfactory record in that capacity, enjoying the respect and confidence

of the staff and inmates. His stories of his polar explorations were fascinating and unvarying. Whether their uniformity came from the fact that they described actual experiences or merely stemmed from much rehearsal and repetition is an open question.

Dr. Cook displayed one peculiarity which he was never persuaded to abandon. He would not take a bath! He and Tom had a great many arguments on this matter, but the good doctor was adamant. He argued that the skin of the aged tended to dry too fast anyway, and bathing only hastened the process. Tom finally had to settle for the doctor's usual sponge baths — with very little water.

And then there was Carl Panzran. This man, whom Tom describes as the most thoroughly vicious human being he has ever known, had the dubious distinction of being the first person to be executed in a United States Federal prison.

As one listens to Tom White reminisce about the criminals he has known and worked with through more than fifty years of law enforcement work, he is ever more convinced that they are not greatly different from the rest of mankind. They seem to be about the same mixture of "good" and "bad" as other folk. There may be a bit more of the bad in them, as the term is usually defined — or maybe they just haven't been quite as lucky as some of us. Hopefully, most of those who are locked up deserve to be, according to our laws, but it would be a rash man who would say that there are not many on the outside who do not deserve it as much or more. Certainly there are no distinctive characteristics peculiar to the criminal's physical make-up. They come in all sizes, shapes, and colors. Indeed, the ability to maintain the appearance and demeanor of an honest, law-abiding citizen is the first requisite for success in many fields of crime.

But Panzran was different. Tom remembers very well the day he was brought to the Big L. Seeing him through his open door as the new arrival was being processed, he felt that he was looking at the archetype of what people refer to when they speak of a "typical" killer, even though there is no such thing. Here was a man who personified, in appearance and manner, the qualities of viciousness

and ruthlessness. Tom inquired about him and learned that the new prisoner was thought to have killed a number of persons, and had finally been convicted of premeditated murder. Among his victims was a woman whom he had not only beaten to death but had then pounded into an unrecognizable pulp. Later, while serving his sentence at Leavenworth, he killed a prison employee. For reasons known only to himself (if, indeed, even he knew them) he picked up a piece of iron pipe and smashed the skull of the laundry foreman while the latter was bending over a tub inspecting the work. For this killing he was sentenced to hang.

The law required that Panzran be executed by the Federal Government, because the murder for which he was condemned was committed in a Federal prison. A scaffold was built on the grounds of the penitentiary and the U.S. Marshal made arrangements with a firm in Kansas City to perform the execution. As a sidelight to this affair, Tom received instructions to cut off the end of the rope, including the noose, after it had served its purpose, and send it to Washington. He did so and, on a subsequent trip to the Capital, saw this memento on display in his Headquarters building as a grim reminder of the event.

The official history of Leavenworth Penitentiary gives the following account of Panzran's last murder and of his own execution:

It was shortly after this (the August 1st riot already related) that one of the wierdest criminal histories of all time saw its ending on the scaffold behind the laundry building. This was the case of Carl Panzran.

The thirties were a period in which criminals and criminal activity probably got more attention than at any other time during the history of the country. Leavenworth got its share of — unwanted — publicity.

On the night of June 19, 1929, the last of the spring breezes flowed softly through the open windows of "D" cellhouse and wafted gently over the sleeping form in cell 130. In the half-dark of the prison night, the prisoner turned in his sleep, muttered, and turned again. The breeze flowed on and into another open window. It flowed as softly and caressingly over the form of another man sleeping in the city of Leavenworth, but he slept soundly and did not toss and turn. He wasn't planning murder.

At six in the morning of June 20, both these men rose and prepared for the day. The prisoner, Number 31614, doing time under his legal name of Carl Panzran for a change, stepped out of his cell and joined the blue line that marched silently into the dining hall for breakfast. After eating he returned to put the final straightening touches on his cell and waited tensely for the work bell to ring.

In the city, R. G. Warnke, Laundry Foreman at the United States Penitentiary, also sat down and ate breakfast. He ate leisurely and then got into his car for the short drive to the prison. Arriving at the front gate, he picked up his keys and proceeded to his place of work. It was about 7:30 when he entered the main room of the laundry and took up his daily tasks.

Panzran also arrived for work at 7:30, but he was more interested in finding the three-foot bar which he had seen in the shop a short time before. Having located it and put it within reach, he bided his time and watched for his moment. No one knows what went on in his mind during the next twenty minutes, but possibly he was thinking of the many terms he had served in prison, and brooding on the treatment he had received. Possibly he was thinking of the time only two short months before when he had tried to bleach three of his handkerchiefs in the bleaching tub. Foreman Warnke had caught him and told him he was not to use the bleach for his personal things. Panzran had been incensed and had asked for a job change, which was denied. Whatever he was thinking, he saw his chance at 7:49.

Foreman Warnke had made a round of the laundry and had stopped to check some clothes in the rinser. He leaned over to pull some of them out, and Panzran gripped his iron bar and stepped toward him. Raising the bar high over his head, Panzran gauged the position of Warnke's head, then brought it down with all his might. Struck unconscious, Warnke fell across the bundle of clothes he had been inspecting, and Panzran struck him again.

A short distance away a prisoner named Kelly grabbed another prisoner and said, "Jesus Christ, look there." Panzran heard him and headed toward the two men, swinging his iron club. The prisoners fled before him and the killer returned to the fallen foreman. "Here's another one," he cried, bringing the bar down for the third time.

Certain that the man was dead, Panzran then ran toward the Deputy Warden's office, with the intention of killing him also. Prisoners and guards alike fled before him as he rushed in and out of the building which housed the Deputy's office. One guard tried

to lure him into the open where the tower guard could get a shot at him, but the wily Panzran ducked behind some boxcars and headed toward the laundry.

By this time the guard force was alerted and had started to herd the men back into their cells so it would be safe to bring guns inside the walls. Panzran realized that he had only moments and after a last futile attempt to catch a prisoner, walked up to Guard Holtgrave and threw down the murder weapon. "I guess that's all I can get," he told the guard, "You can do whatever you want with me." Holtgrave immediately took him to the segregation building, where Guard Edmonds placed him inside a cell and locked him safely in.

At his trial for the murder, Panzran was defiant and boasted of having killed twenty-two people in his life. When asked if he had anything to say before sentencing was passed, he told the judge, "I wish all mankind had one neck so I could choke it."

He was sentenced to hang at the United States Penitentiary, thus having the wry distinction of being the first man hanged at the prison and the first legally hung (sic) in the State of Kansas since 1888.

On the morning of September 5, 1930, dressed in a neat blue suit, he ascended the scaffold which had been constructed in Kansas City and raised behind the segregation building. He seemed unafraid and other than letting out a boo and spitting at the guards around the scaffold he said no word. Two minutes after he ascended the gallows, his limp body was swinging from the hangman's rope.

As one of the principals in this ugly drama, Warden White can add a few details to the official account, and correct it in one small area. He tells us that, as the time approached for Panzran's execution, he asked the condemned man if there was anything he could do for him. He made only one specific request. He didn't want any of those God damned chaplains around at his hanging! It was none of their damned business, he had no use for them, and he wanted them kept away. Tom didn't say yes or no and, without making any particular point of it, chose to ignore this request. When time came to carry out the execution, he had both the Protestant and Catholic chaplains on hand. Minutes before the time set for the trap to be sprung, the guards reported that Panzran refused to leave his cell. They asked whether they should use force. Tom replied that he would take care of it himself (even as his father would have done!),

and went to the condemned man's cell. He told him his time had arrived and he would have to come along. The prisoner, in his usual profane language, refused. Tom then said, "This is your party and you've got to be there. You have two choices. You can either walk out there like a man, or you can let me take you my way." Panzran then said, "I told you I didn't want them God damned chaplains out there. I'll come just as soon as you get them out of there." When it was clear that he meant what he said, and absolutely did not want the clergymen present, Tom sent word for them to leave. When they were gone the prisoner accompanied Tom to the scaffold without further protest.

Anyone who might have expected a last-minute sign of repentance from this man was doomed to disappointment. As he stood on the platform, waiting for the hood and noose to be adjusted, he glared at the physician and other officials and witnesses and muttered: "All right you sons of bitches, you've come to see a show and now you're going to see it. They tell me when I drop down there and hit the end of this rope I'll crap in my pants. I just wish I could take them off so I could crap all over you dirty bastards." Those were the last words spoken by the man known as Convict Number 31614.

No story about some of the more memorable residents of Leavenworth would be complete without mentioning a group of voluntary inmates which has inhabited the institution and had free run of its buildings since it was first constructed. In fact, some of the admirers of these free-loaders will argue that they helped build it. Be that as it may, the Leavenworth penitentiary cockroaches are generally considered to be without equal anywhere in the world. Employees and inmates may disagree about all other aspects of life within the walls of the Big L, but they present a united front in insisting that theirs are the biggest, toughest, busiest, and handsomest cockroaches known to man.

It should be understood that we are talking about conditions as they were when Tom White was Warden. We have made no inquiries concerning the present situation. If the roach population has yielded to our advancing technology (or the increased air pol-

lution), it is simply one more example of how "The old order changeth, yielding place to new." Tom himself, whose honesty is beyond any question, assures us that any story about the Leavenworth roaches should be regarded as suspect only because it is likely to be far too conservative. Thus he joins his fellow alumni in paying homage to these legendary creatures.

Among the many tales which are related to illustrate the prowess of the Leavenworth variety of cockroaches, one of the more captivating is the one showing how they provide a measure of comfort to the convict who is unfortunate enough to be placed in solitary confinement for breaking the prison rules. Tom vouches for this story in all respects. He differs from some of the more enthusiastic fans only in his opinion of the reason for the roaches' behavior as they go about carrying out the missions assigned to them by the inmates.

In the twenties and early thirties, solitary confinement was something to be avoided like the plague for those who cherish the comforts of life. Leavenworth was no exception. The cells used for this purpose and referred to collectively as "the hole" were four by eight feet in size, and were completely devoid of furnishings except for a small cot. In some extreme cases, even the cot was removed and the unwilling tenant slept on the floor. There was no window, and the small opening in the door provided a view of nothing more inspiring than a portion of a plain brick wall.

While doing time in solitary for his sins — for periods of up to ten days or so — a convict was not permitted to have any reading matter, writing materials, or any other external means of whiling away the long and tedious hours. He was completely alone with his thoughts. The bread and water diet of earlier days was eventually replaced by one of somewhat greater variety, calculated to provide adequate nourishment, but which was certainly not of a gourmet quality. The new diet furnished to inmates consigned to the hole was the regular prison fare with the salt, pepper, and all other seasoning omitted. Many prisoners expressed a preference for the old-fashioned bread and water, if they could have the regular bread with the usual seasoning.

It will be no surprise to any confirmed smoker, however, to learn that the one thing most dreaded by practically every man sent to the hole was being deprived of his cigarets. The prospect of going a week or more without a smoke was the worst kind of punishment in itself. And here is where the cockroaches entered the picture, threatening to capture from the dog the title of man's best friend.

At night, when the activities of the human residents of the Big L began to subside, those of the cockroaches would begin. *La Cucu-racha* would start his nightly foraging expeditions, scurrying in and out of every niche and corner, searching for a tasty tid-bit. Many of the convicts who were housed in the general vicinity of the solitary confinement cells, being mindful of their brothers' plight, and especially their unsatisfied craving for nicotine, would observe these magnificent members of the roach family with the critical eye of a judge at a horse show. When a particularly husky and active specimen was spotted, he would be picked up and have a cigaret and match tied to his back with a piece of thread or rubber band. Then he would be released to go about his business. It was hoped that, as he went about his untiring quest for food, he would sooner or later find his way to the hole. There, of course, he would be relieved of his burden and the lonesome man in solitary would have his smoke.

No convict was ever known to snatch the pay load from one of these little beasts of burden, and even the prison guards were inclined to look the other way when they saw one making his rounds. The more conservative group of roach fans, including Tom, hold that the delivery of smokes to the hole in this way is merely a matter of percentages. In the course of a night's scrounging for food, a healthy, ambitious roach will cover a lot of territory. Some of them are bound to get into the solitary cells, purely by accident. The only real credit they are entitled to, then, is for their energy and physical prowess.

The honest-to-goodness roach fanciers will have none of this. They will cite many cases where the roach, upon having his pay load secured, has taken off directly for the solitary cell block, passing up a number of other cells en route. They claim this has been

verified too many times to leave room for doubt. They have even named some of the more dependable of these little pack animals and can spot them ten feet away. If Old Jim, for example, was given a fag to deliver, one of the guys in the hole was assured of a smoke within a couple of minutes.

This final experience of Tom's while serving as warden at Leavenworth is best told in his own words. Here they are as he recalls those fast-moving events of December 11, 1931.

"We had one of Ma Barker's 'boys' in Leavenworth, serving time for one of his many crimes. He had sent word up to the office that he wanted to talk to me about some problems, and had been put on my interview schedule for the morning of December 11, 1931. I don't suppose I'll ever forget that day. Anyway, he showed up on schedule and we were talking about whatever his trouble was supposed to be (I must admit that I've forgotten what it was because of later developments), when I became aware that something unusual was going on in the outer office. I noticed some loud talk and strange voices. I got up from my desk, walked over and opened the door — and found myself looking down the barrel of a gun. Taking a quick look around the room, I saw that there were seven armed convicts in the office. They had two guards and all of the office employees lined up and covered with their guns. I had no weapon on me but a little tear-gas gun, so I had no choice but to follow their orders.

"The fellow in charge of the break was a convict by the name of Green, nicknamed 'Boxcar' because of his tremendous size. I remember he and three of the others were from Oklahoma. He told me that I was going to be their insurance against getting killed, and that they would not shoot anyone if I did just exactly as I was told and everything went all right for them. He said that if anything did go wrong they would shoot me first and then wipe out as many of my employees as they could before they were all done in. He reminded me that they had enough firepower to kill a lot of people before they were all dead, in case I was foolish enough to make them shoot their way out. He was right, of course, and I knew that

was exactly what they would do. They were all desperate men and killing came very easily to them.

"A break like this takes a lot of planning and requires help from a number of men besides those who are actually going 'over the wall.' There is no way of knowing how many convicts knew about it and helped them out — and how many helped them without knowing what was going on, either by actually doing something for them, by covering up, or just keeping still. The Barker fellow is an example. Green and his boys had to know for sure that I would be in my office at a certain time, so they had Barker set up an appointment with me. He then let them know the time of the appointment so they knew when to make their move. Barker may not have known what was being planned or who was in on it. My guess is that he did not — and didn't want to know. Anyone — probably not even one of the seven — could have just said to him, 'Some of the boys have something going and they want The Man (convict terminology for the warden) in his office one morning next week. How about setting up an interview and letting me know the time?' Naturally, they limit information to those who absolutely have to know, for one reason or another, because anyone may be an informer. Rudensky reports that Green himself approached him for some help in getting some keys, but Red didn't want to have anything to do with it, and told him he was under suspicion and being watched too closely. Green dropped the subject immediately and Red heard no more about the caper.

"And here is an interesting point for speculation. Rudensky didn't think much of this group. He considered them a bunch of ignorant clods who were not in his class. This, of course, was one reason for his unwillingness to get involved with them. But if we can believe what he tells us in his book, and I think we can, there was another thing that held him back. I think he had begun to develop a sense of responsibility to me personally and to 'the warden' as a symbol of what has recently come to be widely known as law and order. He realized that I had been fair with him and was sincerely trying to help him establish himself as a member of 'legiti-

mate' society. He just couldn't quite bring himself to kick all of that in the face. At this point, he couldn't do any more than just stay out of it. I don't know at what stage, if ever, he would have taken the next step and told me about the plot. After all, the habits and loyalties of a lifetime aren't overthrown in a day, and I doubt if he would ever have squealed on his fellow cons, but he certainly did the next best thing.

"Another thing: a convict planning a break has to move fast. Prison inmates have the most efficient grapevine in the world. As the word gets around that someone is going over the wall, it is soon going to get to someone who will try to make some points for himself by informing the prison officials. And some of the officers actually get so they can smell trouble a mile away, like the one that caught the convict with the money belt. They won't know *what* is going on, but they will know *something* is. Then, by asking questions here and there, and keeping their eyes and ears open, they can often find out what is brewing.

"The most important job in this particular break was that of getting the guns and ammunition. But here they had the help of a fellow who had served his time and been discharged — old Monk Fontaine. Monk had worked in the shoe factory, as had most of the fellows involved in this thing. At that time we were making a lot of shoes for the U.S. Navy and the contract called for us to use a certain product — a kind of paste — in finishing them. We used a lot of this stuff, and it all came from one company, in a certain kind of box, with very distinctive stencils and other markings.

"Under conditions like this, security measures inevitably get pretty routine, no matter how often and in what ways you try to hammer home the need for constant caution. Ideally, of course, every package and parcel coming into a prison would be opened and thoroughly inspected by paid and thoroughly trained prison personnel. In practice this is often impossible. You just don't have enough people to go around. So, you classify the different situations according to your estimate of the degree of risk involved. Then you assign some of the low-risk jobs to newer employees, and to trusties and other inmates who have good records. They are supervised by

prison employees who are selected and trained as carefully as possible. Most of them are very good and completely reliable but, as in any other situation where you are dealing with people, occasionally one of them will disappoint you. You just work with what you have, use your best judgment, and hope for the best. But even the best of the supervisors couldn't be everywhere at once, and they had to take calculated risks now and then. A low-risk shipment like a case of this shoe paste could easily have been — and obviously was — received and opened by a trusty who, unfortunately, wasn't quite as trustworthy as his record indicated him to be.

"In any case, Monk had either managed to get a shipping crate from the company where the paste was made, with all the authentic stencils and other markings, or he had one made up just like those used by that company — and it slipped through our security procedures without proper inspection. The result was that on that fateful December morning, Boxcar Green and his cohorts found themselves in possession of the contents of that box. They consisted of a small arsenal made up of five pistols, one short-barrelled carbine, a sawed-off shotgun, a large supply of ammunition for all of the guns, and enough dynamite to blow the gates off, just in case I refused to open them. Of course all of this information came to light during the investigation that followed the break.

"It had snowed the night before, and it was very wet and sloshy that morning, so no one thought it unusual that two of the seven men walking across the grounds wore raincoats. The coats were really worn to conceal the carbine and shotgun. The others wore their white uniforms. This showed that they were workers and entitled to a certain amount of freedom within the prison grounds. They walked up to the guard at the inner gate, pulled their weapons, covered him, and ordered him to open the gate. Looking at those gun barrels pointed at him, he did so and, in a matter of seconds they were in my outer office and I was soon looking down the barrel of Boxcar Green's gun and getting my orders.

"They surrounded me, with all of their guns pointed at me, and we walked over to the outer gate. You see, there were two gates, with only a narrow space between them. In addition to the guard

at ground level, these gates were also covered by a tower. When the guard in the tower saw what was going on he started to open fire, but I told him not to start shooting, and to go ahead and open the gate. I didn't think it was wise to start a gun battle there, since premature resistance could only lead to a wholesale blood bath. I knew that time was on our side and that our security system was already in high gear. The commanding officer at Fort Leavenworth and the civilian law enforcement authorities had already been alerted to what was going on, or would be momentarily. I had already decided to go along with the convicts and just keep my eyes open until a chance to get the upper hand presented itself, as it was bound to do sooner or later.

"The guard at the gate was naturally reluctant to open the gate, but when I ordered him to open it he did so. One of the men, a train robber from Oklahoma named Thayer, swore at him for delaying us and raised his gun to shoot him, but I said, 'Now you just put that gun down Thayer. He could have shot you easily but I wouldn't let him. You fellows promised me that no one would get hurt if I did exactly as I was told, and you can't say I haven't kept my end of the bargain. Now you just leave him alone.' And, believe it or not, he said, " 'Okay, Warden, you're right,' and put his gun down without shooting.

"They took me across the street to where my car was parked by my house, and told me to give them the keys, but I told them they were in the prison office. I believe they then told a Negro man who was doing some work in our yard to get the other set of keys from Mrs. White. She didn't know yet what was going on but she knew something was wrong and told him she had no keys. That stymied them for awhile but then a car came along with some soldiers from Fort Leavenworth who were going duck hunting. The convicts stopped them and took their car. They also added the hunters' four shotguns to their arsenal. They told me to get in the front seat where they could keep their eyes and their guns on me. There were then three of us in the front seat, four in the back, and one guy hanging on the running board. They kept reminding me that if anything went wrong there wouldn't be enough of me left to bury, as one of

them put it. With all of their guns on me, and knowing those fellows like I did, that wasn't hard to believe.

"We hadn't gone very far when the car slid off of the muddy road and we were stuck in the ditch. Incidentally, one of the fellows had been included in the getaway plans only because he was supposed to be an expert car driver. In those days there were a lot of people who didn't drive cars, and none of the others in this group were very good at it. As it turned out, their "expert" didn't do very well. Anyway, we all piled out and started walking up the road. Soon we came to a house with a car parked in front of it. The ignition key was in the car and it was all ready to go. People weren't as careful about removing keys from parked cars in those days as they are now. We all got in and started out again, driving up a little hill. Near the top of the hill that car mired up in the mud and we were stuck again. Tempers were getting short and they were all swearing at their driver, blaming him for all their troubles. Of course it wasn't all his fault, because the road was narrow and very muddy, but they were getting tense and impatient, and arguing among themselves.

"There was a house off the road a short way from where we got stuck the second time, and we went over there. The woman there happened to be the wife of one of our prison officers. She had no car, but they took her along as another hostage. I didn't like that because it could hamper our men in retaking these thugs. I told them that the whole country would be aroused against them if they caused a woman to be injured or killed, but they wouldn't listen to me and took her anyway. I knew things were going to be getting pretty exciting very soon. There was already an army plane flying back and forth over us. It would be reporting our whereabouts and everything that was taking place. And the army and the sheriff's men were undoubtedly moving in, as well as our own security force. Time was running out on Boxcar and his gang.

"We all started walking toward a house that was down the hill a short distance. Then they began arguing again. Things were going all wrong for them, and they were becoming disorganized and uncertain. Of course this made them much more dangerous than they

would have been if everything had gone smoothly. Some of them wanted to get in the house and fight it out, but the others wanted to get another car and run for it. Finally they split up. Boxcar and a fellow named Durill kept me up on the road, and the others took the woman and headed for the house. Before they got there, though, they let her go and she began walking back toward her house. I've always thought that my argument against taking her may have finally had some effect.

"In a few minutes a car came down the road. There were two boys in it and I recognized one of them as the son of the county sheriff. They had heard what was going on and had come out just to see the excitement. Well, they saw it! Green and Durill stopped them and ordered them at gun point to get out of the car with their hands up. Then they turned them around and sent them marching back down the road where they had come from. Those boys didn't have a word to say, and their eyes were as big as silver dollars.

"The commandeered car was a little roadster with a rumble seat. Green told me to get in the right-hand seat, and ordered Durill into the rumble seat where he could keep his gun at my head. He then started around the front of the car to the driver's side. Durill was standing behind me and slightly to my left, with the muzzle of his shotgun pressed against my back. Then, as I turned to climb in the car, the gun barrel was within my view and reach, just under my left arm. I guess he was anxious to get in the car and get out of there, and got just a little bit careless. Anyway, that looked like the chance I had been waiting for. I grabbed his gun barrel, intending to twist it out of his grasp and slug him with it or shoot him. Then I would have an even chance against Green. However, the gun got hung up against the door frame, and I couldn't get the leverage necessary to twist it loose. While we were struggling for it, he yelled at Green, 'Shoot him, he's got my gun.' If he had just thought to pull his pistol out of his belt, or if Green had used his pistol on me, I would have been a dead man. Luckily for me though, Boxcar blazed away with his shotgun. Probably the fact that he was just a few feet away saved my life too. In the struggle for Durill's gun, I happened to have my left forearm across the upper part of my body. Since the

distance was so short, the shot charge didn't spread and my arm caught almost the entire load. Otherwise, my insides would have been ripped out. As it happened, only a few of the shot missed my arm and entered my body directly, and they did no great harm. The force of the main charge was pretty well spent after going through my arm and several layers of clothing, and didn't do much internal damage. As you can see, it pretty well ruined my arm but, on the whole, I was luckier than I had any right to expect to be.

"When I didn't go down with the shot, Boxcar swung the gun around and slammed me on the head with it. There was something about that that I've never understood, too. I remember distinctly seeing that heavy-barrelled gun coming down on me from above, but some way or other, the blow landed on my jaw. I must say I don't remember anything at all after that for awhile. I don't know how long I was unconscious, but when I finally came around I was lying there by myself in the mud by the side of the road. After awhile a prison car came along and the officers in it picked me up.

"We learned later that Green and Durill got in the roadster after I was knocked out, and started down the road. However, Green wasn't a very good driver either, and before they had gone far he had that car stuck in the mud. Then they got out and made their way to the little house where a couple of the others had holed up. About that time the soldiers, deputies, and my own force closed in. Those in the house chose to shoot it out, and soon were killed. In the meantime, the three who had stayed on the outside hidden in a ditch, had fared a little better. Fred Berta, who had the dynamite, decided he had better get rid of it before someone exploded it on his back, where he had been carrying it. When he raised up to throw it, he was shot in the shoulder. Luckily for him, he was hit by a shot from a military weapon, with a steel-jacketed bullet, so it didn't do too much damage. One of the other men then gave himself up unhurt.

"Old man Thayer managed to sneak down the fence row unseen, and escaped temporarily. He was free all night, but early the next morning he staggered into a service station not far away, and collapsed in the driveway. He had serious heart trouble and had to

take medicine for it constantly. I guess the whole thing was just too much for him.

"The doctors weren't able to do too much for my arm. They dug around and got some of the shot out of it, but there are still some in there. They also got one of the bones to unite, but couldn't do anything with the other one. No one thought I would make as good a recovery as I have, and everyone agreed that I was entitled to a little less demanding job for a few years than running Leavenworth. La Tuna was just about ready to be opened and, since the boss knew I wanted to return to the Southwest, he asked me if I would like to come out and run this new institution. Needless to say, I jumped at the chance.

"Before I left Leavenworth, the Kiwanians and Rotarians presented me with a plaque which I have always treasured, and Charles Friedburg of the Chamber of Commerce wrote a little poem which he read at a big meeting in my honor, and which has meant a lot to me.

"Fred Berta is the only one of the seven men in the break who is still living. Or, at least, he was not long ago. He is about eighty years old and is living out in California. He has called me by telephone several times, and stopped and visited with me one time when he was going through El Paso. You can well imagine we talked up a storm. One of the FBI agents stationed in California wrote, in a letter to my son when he retired from the Bureau, 'Old Fred Berta always asks about your dad. He thinks he is just about the greatest man that ever lived.' You know, it makes a fellow feel pretty good to hear things like that."

CHAPTER IX

RETURN TO TEXAS

☞ LA TUNA FEDERAL CORRECTIONAL INSTITUTION is located in westernmost Texas, between El Paso and Las Cruces, New Mexico. It is well named, since la tuna (the Spanish name for the prickly pear cactus) is one of the desert plants which flourishes on this arid slope between the towering Franklin Mountains and the Rio Grande. The term "Correctional Institution" in place of the more commonplace "Prison" is also not without significance, since this installation represents one of the earliest meaningful efforts of Federal prison authorities to develop a penal system designed to emphasize the corrective feature of imprisonment, as opposed to the strictly punitive aspect.

La Tuna is, in fact, a monument to the enlightened thinking and vigorous action of a few men who were convinced that a system which consisted mainly of catching criminals, keeping them locked up for a stated period of time, and then releasing them back into society to repeat their crimes, left much to be desired. Much more research, effort, and facilities need to be devoted to the corrective and rehabilitative features of our penal system.

Much of the credit for this movement toward a truly modern system of penology must go to James V. Bennett, later the Director of the Bureau of Prisons. Furthermore, Mr. Bennett and a small group of other forward-looking penologists argued, if locking up our convicts is the best we can do, for want of resources to effect their rehabilitation, we should at least be more selective about the locking-up process. A young man sentenced to serve a year a day for a relatively minor offense (an official Bureau of Prisons document refers to "habitual offenders, occasional offenders, and what appears to be *accidental offenders*") is not likely to benefit greatly from the experience if this time is spent under the tutelage of vicious killers, kidnappers, and thugs of every description. Nor is society going to be the better for his imprisonment. The former amateur will be, upon his release, an accomplished professional, by

reason of the teaching and guidance he has received from the masters of the trade. Efforts had been made, of course, to keep the younger convicts, and those guilty of less serious crimes, segregated from the hardened, unregenerate types in Leavenworth and the other prisons of the Federal system. However, those efforts were, for the most part, doomed to failure because of the chronic overcrowding of those facilities. It was hoped, with the opening of La Tuna, that more could be accomplished in this direction. Subsequent experience has amply justified this course of action.

Taking into account the fact that Tom White was warden of this institution from its opening in 1932 until his retirement at age seventy in 1951, we can illustrate the accomplishments of his administration no more effectively than by quoting further from the document cited above:

The La Tuna institution was opened on April 29, 1932. The first prisoners were received on May 5th, when a group of Federal offenders was transferred from the El Paso County Jail. Six months later the population capacity of 432 had been reached. In recent years this population figure has at times been almost doubled and the institution has been seriously overcrowded.

In 1932 the square mile which constitutes the institution reservation was — with the exception of the area around the buildings and a few additional cultivated acres — little more than an untamed expanse of desert land, mesquite, and cacti. (The institution takes its name from the pear cactus, "La Tuna.") The task of clearing, leveling, and preparing this desert wasteland for the irrigation waters which were to transform it into fertile garden land was begun by prisoners with picks and shovels and wheelbarrows and hand labor. Much was accomplished with little, and improvisation was the rule. Notwithstanding the many serious problems, including a disastrous flash flood which wiped out the results of weeks of toil and necessitated the construction of a huge earthen dam, the transformation that was to make La Tuna an almost self-sufficient institution and one of the beauty spots of the Southwest was well on its way by 1935.

Since that time the institution has been expanded as necessity dictated and funds permitted. Modern dairy and other farm buildings have replaced the original adobe structures and the makeshift livestock shelters. A shop and garage building, powerhouse, ware-

house, a 500,000-gallon ground water storage tank, extension and enlargement of the kitchen, and 30 dwellings for employees plus a modern 16-room Bachelor Officers quarters have been constructed, and numerous minor improvements have been made. Main building facilities, however, continue to be used at peak capacity, and it is necessary to resort to the use of doubledeck beds in the dormitories and to improve other facilities in order to accommodate the greatly increased inmate population.

Along with the improvement of physical facilities, the institution has developed a rehabilitation program in line with the philosophy of the Federal Prison System as a whole. At La Tuna, this program has been especially adapted for the detention of medium and long-term offenders, approximately 42 per cent of whom are Mexican aliens.

Aside from the happiness of the entire White family at returning to their beloved Southwest (Bessie has said there was never any question, after Tom's initial assignment to El Paso by the Southern Pacific, about this city being their eventual retirement home), the professional assignment had a great deal of appeal for Tom. He enjoyed working with a younger group of offenders where the prospects for rehabilitation were better than with older, confirmed criminals. Also, for a time at least, problems of overcrowding and general overtaxing of institutional facilities were far less acute than at Leavenworth. Then too, Tom had never forgotten or rejected his rural heritage, and the prospect of starting agricultural and horticultural projects on the 635 acres of land which comprised the Federal reservation was exciting. As one reads the official description of the development of this institution — the transformation from a patch of desert land to an oasis in that desert — it can easily be visualized as the taming of a miniature frontier, with all of the difficulties, challenges, and rewards discovered by Grampy back at Oak Hill seventy-five years earlier.

There was still another bonus. The Bureau authorities had made arrangements for Tom to go to Boston for additional surgery and treatment of his arm, which was still in very bad shape. In the meantime, he had received some emergency treatment at William Beaumont Army Hospital and had been greatly impressed by the

interest and competence displayed by its staff. He decided that the doctors at WBAH knew more about gunshot wounds and their treatment than was likely to be known in Boston, so he requested permission to remain in El Paso for treatment. This permission was given and the results were beyond his greatest hopes. Tom will always be grateful to Major Clarke, in particular, for attention and treatment which enabled him to regain the use of his arm. He gives this doctor full credit for his present ability to play golf, drive his own car and, in general, get almost full use of his arm, despite the fact that it was given up for lost and amputation was recommended by other doctors who had examined and treated him.

As we have seen, La Tuna was opened in April, 1932, with the transfer from El Paso County jail of a group of prisoners being held on various Federal charges. Many of these men were Mexican nationals whose crimes were repeated illegal entries into the United States in violation of our immigration laws. This group of "wet-backs" has continued to make up almost half of the population of this institution. Shortly after the opening, a group of selected inmates from Leavenworth was transferred to the new institution. Tom reports that their arrival and reception had many of the aspects of a reunion, since they were well known to him and to a number of his staff who had also been transferred from the Big L.

The large group of Mexican nationals committed to La Tuna has always included a sizable number of habitual offenders. This high degree of recidivism is even more pronounced when one considers the fact that prosecution and imprisonment for illegal entry into the United States is usually resorted to only after an individual has been found to be guilty of multiple offenses or has combined another crime with his "border-jumping," such as the smuggling of other aliens or of contraband articles. For the first few offenses of simple illegal entry, the offender is ordinarily allowed the privilege of "voluntary departure" with no additional penalty. Travel to some point in the interior of Mexico is usually required, since it has been found that, if these men are simply allowed to recross the border into the nearest Mexican town, they are back in the United States within hours. Attempts are made to transport them to points near

their homes when feasible. Many tales are told of these wetbacks being transported to Chihuahua City, some 230 miles south of the border, for example, and being picked up again in El Paso before the bus by which they had been deported had made its return.

This problem, with which Tom White and his colleagues were faced, still exists and continues to grow. Herman Moore, Chief of the El Paso sector of the Border Patrol, explains it this way. The astronomically increased travel over the expanding network of highways and airways makes a thoroughly comprehensive inspection program with available facilities an impossibility. A large number of illegal entrants are quickly caught at or near the border, and returned to Mexico under the voluntary departure procedure, or prosecuted and imprisoned, depending on their prior records and present offense. During calendar year 1970, for example, Border Patrol Inspectors in the El Paso sector alone apprehended 51,418 illegal border crossers! This must be considered a most impressive accomplishment by any standards. And yet, many evade the inspectors and make their way into the interior. This is attested to by the fact that there are now an estimated 500,000 aliens, most of whom are Mexicans, residing illegally in the Los Angeles area. Another 250,000 are estimated to be living in the Chicago area.

Many of these illegal residents are eventually apprehended, since the Immigration Service does not confine its investigative activities to the seaports and international border areas. In a recent 45 day period a beefed-up enforcement activity in Los Angeles, for example, during which time every available resource was utilized on a crash program basis, an average of 400 aliens per day was apprehended and deported or prosecuted. During a similar ten-day effort in Dallas, a total of 1700 wetbacks were imprisoned or returned to their homelands. As Mr. Moore goes on to point out, however, even a brief period of employment at wages which are enormous by the standards of these people tends to make confirmed "border-hoppers" of them. If they can work just a few months at the wages they can earn in Chicago or Los Angeles, while living under the sub-standard conditions to which they are accustomed, they will have earned enough to keep their families in comfort for a year

or more. What matter if they are then picked up and returned to Mexico? They will simply return to their homes and live on the money they have already sent ahead. When it is gone, they will try their luck once more.

And there is plenty of evidence to show that even the prospect of immediate apprehension and imprisonment does little to deter the Mexican farmer or laborer from his illegal crossing of the border. To a man accustomed to long hours of arduous labor (when he is lucky enough to get even that) for starvation wages, life at La Tuna must be considered as a privilege to be enjoyed rather than a punishment to be endured. His thoughts are probably something like, "I will make *mucho dinero* if I can just get into the United States for a little while. If I can work for a couple of months before they catch me, it will be better than a year in Mexico. And even if they send me to La Tuna when they catch me it is not so bad. The work is not too hard, there is plenty of good food, and it is a good place to live. And, anyway, that is where most of my friends are right now." Tom recalls one man in particular who represented a classic example of this attitude.

This man proudly wore a very crude homemade peg leg. He asked no favors or special treatment because of his handicap, however, and gave as good an account as the next man when assigned to the fields. He was also an ideal prisoner in all other respects; cooperative, tractable, pleasant, and a respecter of authority. But he absolutely refused to stay south of the border. The lure of high wages and relatively easy living in Los Estados Unidos was just too much for him.

After he had been escorted back to Mexico several times by representatives of the Immigration Service under the "voluntary departure" procedure, with no apparent lessening of his determination to live in the United States, formal charges of illegal entry were placed against him. He was duly tried, convicted, and sentenced to serve a brief term in La Tuna Federal Correctional Institution. After completing his term he was escorted back to Mexico. He was soon back and the whole procedure was repeated. After the sixth or seventh such performance, with no variation except a gradual

lengthening of sentences, Tom suggested that the final deportation action be emphasized by taking the alien to some point far south in Mexico, from which travel to the border would be very difficult. This was done, through special arrangements with the Mexican authorities, and he was finally released well over a thousand miles from the border. As Tom remembers the event, it took "old peg-leg" almost a month to bum his way back up to Juarez and get across the border, where his old friends in the U.S. Immigration Service once more took charge of the proceedings.

Another story illustrating the doubtful effectiveness of imprisonment as a deterrent to the confirmed border-jumper is provided by a dentist who was formerly assigned to La Tuna by the U.S. Public Health Service. Among the health services provided to the inmates at this institution is such dental work as the dentist may consider advisable. One middle-aged Mexican farm laborer was found to be in need of extensive restorative work and was placed on a schedule of regular visits. Because of the dentist's heavy work load, however, his appointments were at rather lengthy intervals. The result was that the prisoner's sentence was completed before his dental work. At his final session, the dentist did what he could and then explained to the patient what remained to be done, and urged him to go to his own dentist just as soon as he got home, for completion of the repairs. To this the patient merely said, "No, no, you are a very good dentist and I would rather have you finish it. I will just wait until I get back here and let you take care of it."

Tom has some delightful memories of those early days at La Tuna. In fact, as he relates the events of a long and unusually full and satisfying life, it soon becomes apparent that the nineteen years he spent as warden of this desert prison rank among the best. One of the nicer "little" things which came his way was a beautiful palomino horse, a gift from the commanding general at Fort Bliss, where all of the units were being rapidly motorized, and horses becoming obsolescent. No gift could have been more appreciated by or more appropriate for an old cowboy-turned-Ranger who, for too many years, had been largely desk bound. The fact that the palomino appeared to be slightly locoed did little to lessen Tom's en-

joyment of this beautiful animal. Even after being thrown several times he refused to quit riding him. Maybe this too was a welcome, if somewhat rough, reminder of his youth at Oak Hill. At any rate, one of the inmates, who claimed to be an expert with horses, asked for permission to work with Pal. He was allowed to do so and the results were amazing. In a short time Tom was riding the palomino all over the reservation, looking after the various building and development projects which were under way. In fact, a former La Tuna officer, now retired, describes the warden's daily horseback inspection tour as being something of a ritual.

And these projects were of an interesting variety. Among them was the construction of the earthen dam referred to in the document quoted earlier. This dam, when completed, was 750 feet long, 50 feet high, and with a fifty-foot wide roadway. Not such an impressive engineering feat, one might say, until it is considered that it was built entirely by prisoners, under the direction of prison employees, with nothing but hand tools such as picks, shovels, and wheelbarrows. The dam went up in terraces. One group of workers shoveled the dirt up as high as they could reasonably throw it. There it was picked up by the shovels of a second group and tossed up to the next level — and so on, until the eventual height of 50 feet was reached. As Tom says, it was a slow process but it kept the men busy at work they could all do — and it was inexpensive.

The leveling of the agricultural fields was also accomplished by prisoners using hand tools and wheelbarrows. In the course of his rounds Tom observed the inevitable "gold-bricks" who were doing less than half the amount of work being turned out by their more industrious co-workers. He reorganized the work so that the wheelbarrow jockeys, instead of wheeling their barrows to a group of shovelers and waiting for them to be filled, simply filed past the shovelers, who were stationed at suitable intervals. Each shoveler would contribute his single shovel-full of earth to each barrow as it was wheeled past his post. As an added refinement to this system, the observed gold-bricks were placed between two of the more industrious workers. Then, if one of them failed to maintain the pace set by the group, he was reminded of that fact by the widening gap

between him and the man in front. If he still loafed, he was reminded more forcibly by the jab in the rear from the vehicle behind him. This tended to discourage deliberate loafing.

One day at quitting time, the officers in charge of one group found themselves one man short when they checked out their work force as usual. A second count confirmed the presence of only ninety-nine prisoners instead of the hundred they had started with. Some of the officers then took the workers back to the compound to prepare for the evening meal, but several stayed behind at the work site. In the course of their microscopic examination of the area for possible clues to the disappearance of their charge, one of the officers discovered a straw protruding a couple of inches from the ground. It was in an area which had been filled with dirt to bring it up to the level of the surrounding terrain. He signalled to the others to approach quietly. When they had done so, he stepped over and pinched the straw between his thumb and forefinger. The result was as dramatic as he could have possibly hoped for. The ground literally exploded as the inmate who was buried an inch or so beneath the surface came kicking and clawing for air!

One prisoner well remembered by Tom and several of the wardens who followed him was one of the relatively few men who have served life sentences at La Tuna. He was an Indian who had been convicted of murdering his wife in a rather spectacular way. It seems that he had bound her in a chair, saturated her clothing with kerosene, and set fire to her. For this crime, the court decreed that he must spend the rest of his own life in prison. From all accounts this suited him quite well. In fact, he seems to have been completely content with his lot in life.

This man was a skilled trapper, and the authorities at La Tuna capitalized on this skill until he died a few years ago. The prison's agricultural production was completely dependent on irrigation, which was provided by a system of ditches to distribute the water. Gophers were a constant threat to this system because of their extensive burrows which drained the water off in unwanted areas. For years, this Indian lifer conducted his one-man gopher control program. One of Tom's successors was heard to remark a few years

ago that they would have to line their ditches with concrete and use siphon tubes when they lost their gopher trapper.

This convict had at least one other claim to fame. Back home he was a genuine chief. This fact was brought to light in a dramatic way during the time he was assigned to a prison camp which had been established in Arizona as a branch of the La Tuna Institution. He asked permission to have the members of his family visit him on his birthday. The officer in charge of the camp readily gave his consent, without knowing that all of the inhabitants of his village were considered to be members of his family. Fortunately, the more than two hundred visitors brought their own lunches.

Another Indian inmate was somewhat reminiscent of "The Bird Man of Alcatraz." This man had been transferred from Leavenworth and was well known to Tom, who selected him to care for several thousand baby chicks which had just been purchased as a starter for the Institution's poultry industry. Even at this early date, Tom had visions of making the place largely self-sustaining. This particular inmate had the proper background for the work and soon showed great interest and ability in caring for his little charges. While inspecting the poultry house, though, Tom noticed that several of the chicks were sick. They just stood with their heads down, their eyes closed, and would not eat or drink. He remembered that when this illness struck at Oak Hill the afflicted birds were killed immediately, their bodies removed, and the quarters were carefully disinfected to prevent the spreading of the disease. He instructed the convict poultry-keeper to do likewise.

On subsequent inspections it was apparent that the man was not following these instructions. The illness was allowed to run its course until the victims died — which invariably happened. The result was that the quarters were fouled with the dead bodies of these chickens. When Tom pressed the matter, the man said he didn't think they were all that sick, and maybe they would get well. But they didn't. This dialogue was repeated several times, until the convict finally confessed that he just *couldn't* kill these sick little chickens, even if he was punished for not doing so. Tom did not insist, of course, but assigned him a part time helper, one of whose

duties was to kill the rousy chickens.

Not long afterward, the Indian poultry-keeper's sentence was completed and he was released. However, he was not destined to enjoy his new freedom very long. He was soon arrested by the Arizona authorities, tried, and convicted of the killing of his wife and young son. The man who could not be persuaded to kill a sick chicken had beaten these members of his family to death with a heavy hammer!

As Tom shakes his head in characteristic wonder at this illustration of the paradoxical nature of man, he goes on to describe the tragic end of his poultry-keeper's own life. He was sentenced to die by hanging for the murders of his wife and child, but when the sentence came to be carried out, death did not occur because of faulty proceedings. He was cut down, revived, and required to repeat the entire performance with the error corrected. The second time, he died quite properly.

The operation of a prison (or correctional institution) is not all drama and excitement. Most of the day-to-day activity is routine and repetitive — a matter of keeping large numbers of men occupied in as meaningful a way as possible, maintaining order, providing training and counselling, maintaining and improving buildings and equipment, and feeding and housing the inmates. The head of such an institution is faced with all of the problems with which any business administrator is confronted, plus the obvious difficulties inherent in his particular "business." And, inevitably, he must operate with inadequate funds. Even the most enlightened and understanding taxpayer — one who is quite willing to part with his hard-earned money for the construction of schools, highways, defense projects, and other "worthwhile" activities — is likely to look askance at attempts to throw his money away on a bunch of criminals. The result is that an adequate budget for operating a penal institution is always a dream, never a reality.

Tom's natural conservativeness and his ability to make do with whatever was at hand, coupled with a certain imaginativeness and ingenuity, undoubtedly contributed to his success in building La Tuna up to the self-sustaining position it now enjoys. True to his

rural heritage, he likes to see things grow, both plants and animals. He has never quite lost the feeling of wonderment at seeing tender green plants emerge from the naked earth where tiny brown seeds were dropped only a few days earlier, or of seeing a new-born calf trailing its mother in from the sparsely vegetated desert pasture. Small wonder, then, that La Tuna soon had a splendid dairy herd which provided milk to the army at Fort Bliss and William Beaumont Hospital, and to the Detention Center of the Immigration Service in El Paso, in addition to supplying its own needs. Since the feed for the cattle was grown on the reservation, this was a completely self-sustaining project.

We have already noted the beginnings of the chicken flock. In due time this led to egg production on a modest scale but, for some time, this was inadequate to meet the institution's needs. In the meantime, Tom had decided it would be nice to have some ducks around the place, so some ducklings were purchased. Eventually, they produced a surprising number of eggs. Tom had never known of duck eggs being used for the table in this country but he saw no reason why they couldn't be. They were tried out, in the White household and the Officers' Mess, but the vote was overwhelmingly negative. They were just too strongly flavored. After some experimenting it was found that they could be combined with chicken eggs and scrambled, with completely satisfactory results. Thereafter, they had a regular place on the prison menu.

Another locally produced item of food was sorghum. The inmates were very fond of this heavy, distinctively flavored syrup and consumed great quantities of it. The warden saw no reason why they shouldn't produce their own, and had some fields planted in sugar cane. While the cane was growing, a small single-horsepowered mill and a huge cooking vat were constructed. In the meantime, a Louisiana molasses expert was located among the inmates.

At last the cane was harvested and crushed, and the juice cooked down under the careful supervision of the consultant from Louisiana. The product was tried out in the Officers' Mess and pronounced unacceptable. It was too bitter. Tom's expert explained that the juice of the sugar cane which is found between the joints

is very sweet, while that in the nodes themselves is bitter. The La Tuna cane, he pointed out, had relatively short joints, resulting in too high a proportion of the bitter juice. Various blends of the homemade and commercial varieties were then tried and a mixture was discovered that was very palatable. This blend was then placed on the regular prison menu.

Few of us have eaten a blackbird. It isn't clear whether even the king ate the pie made of four and twenty such birds which was placed before him, but it seems doubtful, since they began to sing when the pie was opened. In any case, the inmates of La Tuna were treated to a blackbird feast on at least one occasion — but, again, not until Tom and his fellow officers had previewed the show.

The blackbirds were a constant nuisance and a continuing threat to the crops the inmates of the institution were so laboriously cultivating. They were everywhere. When they failed to get the seeds they were right on hand for the young plants when they came up. Finally, they were on hand by the thousands when harvest time arrived, and always got more than a fair share of the crop. All efforts to control their depredations seemed doomed to failure.

Then at dinner in the Officers' Mess one of the men remarked that he had once eaten blackbirds on a bet, and found them very tasty. He thought they were much better than the doves which were far more popular fare. During the discussion, most of the men said they would have no objection to eating these pests, and several were eager to try them. The prison doctor said there was no medical reason why they should not be eaten, so Tom gave his permission for enough of the birds to be shot for a try-out in the Officers' Mess. The ensuing meal was a big success. The officers agreed that they were as good as doves or better, and could be served to them any time. An all-out blackbird hunt was then authorized, with the game to be placed on the prison menu. As Tom summarizes this episode, the institution's crops were saved, the employees and inmates were treated to an unusual and tasty meal, and the guards' marksmanship was improved.

Jack rabbits were another menace to the crops, their destruction almost equalling that of the blackbirds. Although it was agreed

that they were not edible, except under extreme circumstances, they had to be eliminated — or their numbers greatly reduced. So, a jack rabbit hunt was organized. Naturally, for security reasons, firearms could not be used, except by certain officers, and then only under very restricted conditions as to locations. With this exception then, weapons were limited to sticks and clubs.

Everyone, inmates and employees alike, took part. The entire area making up the reservation was surrounded, with the participants stationed at suitable intervals. Then, at a predetermined time, they all began moving toward the center of the area. As they came nearer the center, the hunters came closer and closer together, until, finally, there was no room for the prey to escape without coming within reach of one or more of the hunters. The few rabbits that succeeded in getting through the cordon of club-wielding men were dispatched by the guns of the mounted and armed men in the rear.

The novel hunt was a great success from any viewpoint. It was a break in the monotony of prison life for both inmates and employees, provided the fun and relaxation of a fiesta, and eliminated another threat to the fruits of the labors of the farm lands and their supervisors.

And then there were the turkeys. Tom remembered from his early days of riding the Texas range that wild turkeys thrived on the seeds and berries of many desert plants. Well, they had many of those plants at La Tuna, why not get some turkeys? So he bought some turkey poults. Then he began looking for a turkey expert.

He was not long in finding a Mexican inmate who was wise in the ways of the big birds, so he was placed in charge of the flock. It was like discovering a native Basque shepherd to care for a flock of sheep. This man seemed to think like a turkey and actually appeared to be able to converse with them. Tom remembers that he placed a small red cloth on the end of a long fishing pole. With a flick here and a jiggle there he could control his charges amazingly well. He would take them out of their pens in the morning and, with nothing but his red signal cloth, herd them through the desert all day, seeing that they had the best foraging available, keeping the

strays and laggards with the main flock, and return them to the fold at night, with never a loss to the coyotes and other desert varmints.

The turkey flock, incidentally, was another chapter in the book of intergovernmental cooperation of which Tom is so proud. They provided the Christmas dinner for the soldiers at Fort Bliss and William Beaumont Hospital, as well as the inmates at La Tuna.

In addition to the farm produce furnished to army personnel from La Tuna, Tom continued to promote in other ways the high degree of cooperation between the Prison Service and the Army which had been the rule at Leavenworth. Since La Tuna was primarily an agricultural community at that time, the work was of a seasonal nature, with intervals of comparative inactivity. During these periods, the warden offered the services of his inmates to the commanding general at Fort Bliss for maintenance and general clean-up work. This offer was accepted with enthusiasm and there were times when more than a hundred prisoners could be seen performing such work on the military reservation under the watchful eyes of military guards.

This arrangement was questioned in some quarters of both organizations as being without precedent and not authorized in "the book." Its basic merits were generally recognized, however, and the practice was continued for some time. As Tom points out, everyone benefitted from the arrangement, including the inmates themselves, most of whom preferred constructive work to idleness or obviously "made work." With the gradual development of more diversified activities as the concept of prison industries emerged, however, it soon became possible to keep the prisoners occupied with meaningful tasks and training efforts on a continuing basis within the institution itself.

The interagency assistance effort was by no means a one-way affair. The successive commanding generals at Fort Bliss maintained a permanent offer of assistance to Warden White whenever needed. This offer was accepted on several occasions. Some of the more dramatic were the times when army helicopters demonstrated their effectiveness in thwarting escape attempts. It was very

difficult for a run-away inmate to evade capture with these eyes of the army peering down at him in the sparsely vegetated desert.

On the whole, Tom considers that much of the pleasure he derived from his years of service at La Tuna came from the spirit of friendship and helpfulness displayed by army officials and neighboring civilian communities which he finds so typical of the Southwest.

CHAPTER X

TALES FROM LA TUNA

☛ THE EMPLOYEES AT La Tuna during Tom's years as warden recall that his administration was somewhat on the strict side, for both the prisoners and the staff. Tom himself is described variously by these men as being "strict but fair," "hard but with a fine sense of humor," "demanding but quick to recognize honest effort," "a guy who seemed to be everywhere at once," and "honest till it hurt." One of his top administrative employees, going into more detail, reports that "The Warden ran a tight ship. He was completely loyal to everyone he was responsible for, and he expected their loyalty in return. He would support you even in a serious mistake, if it was an honest one, but he didn't expect you to make the same mistake twice. When you worked for Tom White, there was never any question about where you stood." A member of his custodial force recalls that "The Warden was strict with the inmates but would never stand for any mistreatment or heckling of them. When an officer and an inmate had a run-in, Warden White would accept the officer's story — tentatively. But that was never the end of it. He would always check it out or have his deputy look into it. In a few cases he found that the officer had slanted his report, and the prisoner was in the right. In these cases, the officer changed his ways immediately or he didn't stay around long."

Another former officer, now retired, reports that "Warden White was quite a person. He himself was a man of very high principles and personal standards, and he made it clear that he expected the members of his staff to live up to those same standards. Naturally, they didn't all do it, but the very fact that he expected it and set the example himself had its effect. It seemed to make people sort of rise above themselves. He was able to establish a very high esprit de corps." This same man also describes the warden as being a man of very deliberate but sound judgment. "When you went to him with a question or problem, you might not get an answer or solution right away. He would hear you out and take your problem under

advisement. But you never had to mention it again. Sooner or later, he would call you in, or come to see you. You could tell then that he had gone into it from all angles and given it very thorough consideration. And you could rely completely on the answer you finally got."

Several former employees point out a problem which is inherent in the operation of La Tuna but is not found in most such institutions. This has to do with the basic differences in the backgrounds and general culture of the inmates from the United States and those from Mexico. As J. C. Machuca, retired officer and a Mexican-American himself, explains it, "The Mexican accepts, and actually expects, a much stronger disciplinary approach than does his 'Anglo' counterpart. You have to take an entirely different approach with the two groups to achieve the same results. The Mexican would be confused and uncertain if you used the same permissive tone in supervising him and giving him instructions that the Anglo expects. By the same token, you would have resentment and the likelihood of a riot if you gave orders to the Anglo in the direct, hard way that works with the Mexican. It's just the difference in the customs of the two peoples, and what they have come to expect. As a long-time supervisor of the Big Line (the main work force, consisting of 50 to 125 inmates) at La Tuna, Mr. Machuca speaks with some authority on the subject.

From these and other former employees we have gleaned several anecdotes which appear to reflect the personality of the institution. Since, at the time they occurred, La Tuna was without any tradition of its own, or any carry-over from previous administrations, the institutional personality undoubtedly mirrors to a greater degree than is usual the personality of its head. We are delighted to make Tom aware of some of these stories for the first time, after these thirty-five years.



Lieutenant Jim Wells could imitate the warden's voice and manner of speaking so perfectly that the fraud absolutely defied detec-

tion on the telephone. There are a number of tales illustrating the interesting situations he was able to create by the use of this talent. For example, while making his rounds one afternoon when he was in charge of the day shift, he observed the foreman of the carpenter shop standing out by the fence in casual conversation with the guard who was on duty at the north gate. Looking back at the carpenter shop, Webb saw that there appeared to be very little activity inside. It should be noted in passing that the time-honored Mexican custom of an afternoon siesta was not observed at La Tuna.

Going on to his office, the lieutenant encountered several other employees and told them, "If you want to see some fun, get over by the window where you can see the carpenter shop." He then picked up the telephone and dialed the shop number.

The spectators watched as the foreman continued to speak to the guard. After three or four rings he started slowly toward the shop door, talking back over his shoulder as he did so. He then disappeared inside. A few seconds later Wells raised his voice to match that of the Warden and said sharply into the mouthpiece, "Where have you been? I was by there a few minutes ago and didn't see you. And, by the way, that shop could stand a good cleaning up." Without waiting for a reply, he slammed the receiver down.

The witnesses report that the carpenter shop was a regular beehive of activity the rest of the afternoon. The carpenters were all working at top speed and the foreman was setting the pace. And by the end of the day, the helpers had the shop and surrounding area policed up to a level of cleanliness and order never before seen. So far as we know, the foreman of the carpenter shop never knew of the prank that was played on him, but its effects were said to be long-lasting.



The personnel officer studied the application before him carefully. There was no question about it, the applicant was technically qualified for the job of custodial officer. He met all of the stated requirements with something to spare. His previous employment record was good and there was no indication of any instability or

character defects. And yet, the PO felt instinctively that this was not the man for the job.

He looked again at the man seated across the desk from him. It was the applicant's appearance and general demeanor that made him reluctant to say yes. He was pleasant and courteous, and spoke well enough, although there was some evidence of a low level of self-confidence. But he looked like a caricature of a man. His head was inordinately long and his expression rather doleful. The result of this combination inevitably reminded one of an elderly basset hound. The personnel officer felt certain that, if hired, the applicant would be the subject of jokes and wise-cracks among the inmates. An impressive appearance and manner go a long way toward helping a new officer gain the convicts' respect, without which his effectiveness is severely limited. Without the outward qualities, it is often difficult for a new man to establish himself as the symbol of authority which is so necessary for full operating effectiveness.

But his name headed the civil service list of eligibles for the job and he was an army veteran, so he was hired. And here was another case in which the La Tuna staff was treated to an example of the marvelous efficiency of the informational grapevine which exists among the inmates of every penal institution. The new man's fellow officers report that, even before they all learned his correct name, he was known throughout the cell-blocks by his newly-bestowed name of *Cabeza de Sandia* — Watermelon Head!

It didn't take long to show that the new recruit did not have the necessary personality characteristics to overcome the handicap which was created by this unfortunate first impression. It soon became evident, even to him, that he was going to have difficulty exercising the necessary control over his charges, and he resolved the difficulty by resigning.



One year La Tuna produced a bumper crop of watermelons. On one of his horseback tours of the fields Tom stopped to talk to one

of the guards who was overseeing the work in the melon field. The latter mentioned that the inmate-workers had approached him several times on the subject of having a big watermelon feed. He asked if it could be permitted. Tom told him to let the workers have all the melons they wanted toward the end of the day — provided the work had gone well and there had been no trouble. Of course the privilege should be withdrawn whenever there was obvious loafing or too much wrangling. That way, the prospect of a watermelon feast could be used as an incentive to work and behave. Then he added, with the characteristic little smile which the members of his staff knew so well, “Besides, they will eat that much less for supper.”



When La Tuna was first opened, and for several years afterward, most of the employees were from other areas. This was no doubt necessary in order to obtain experienced staff with which to open and run the place. A number were transferred, at their own requests or otherwise, from other institutions in the system. At any rate, it seemed to the few locally hired people that they were greatly outnumbered by the “outsiders.” There was also some resentment expressed by residents of nearby communities at the number of these outsiders being brought in when there were many local people out of work. It will be recalled that this was during the depression of the 'thirties, when unemployment was a major problem.

Aside from this question of “locals versus outsiders” Warden White soon recognized the need for more employees who were familiar with the language, beliefs, and customs of the large Mexican inmate population, for the reasons noted by Mr. Machuca. The Warden began hiring as many local, Spanish-speaking people as possible. Not long afterward, following an officer roll-call in which Spanish names predominated very noticeably, a veteran officer, whose own name was Valdez, observed that “At first the Okies ran things around here, then the Arkies took over, but now it looks like we Mexies are finally in the saddle.”



One aspect of the never-ending battle of wits between the staff of the institution and the inmates had to do with the pilfering of food. Many of the convicts were real artists in the matter of causing food to disappear before it found its way to the table. The story is told, for example, of the occasion when pork chops were to be the main course for dinner. They were large and cut thick, so that one chop would be enough for each diner. Due to an unusual amount of sleight-of-hand activity, only 200 pork chops showed up in the steam table for almost 600 hungry inmates. A lot of cans of whatever was available had to be quickly opened to make up the shortage.

One of the cooks was wise to all of the tricks of his helpers and was usually one step ahead of them. Years of experience had taught him most of their hocus-pocus and provided him with some of his own. Thus, when his eggs began disappearing in large numbers he knew exactly where they were going. They wound up in the laundry where they were boiled in the hot water used for washing the clothing. Then they were smuggled into the cells to provide a light snack whenever desired.

The cook had his own effective method of handling these particular thefts. He just kept his eyes open for those tell-tale bulges in the side pockets of his helpers. When he saw one, he would just walk past the offender and, without a word, give the bulge a sharp whack with the back of his hand. Messy broken eggs in the pockets of a few of the culprits usually tended to discourage the practice for a time, since the cook was careful to see that they did not have an immediate chance to clean out the gooey glob.

One morning he noticed the typical awkward lump in the pocket of a young fellow he had caught a couple of times before. He waited until just the right moment, when he was sure several others would see the little byplay (of course nothing was ever said by either party), drew his hand back, and delivered an unusually sharp blow. He was unable to avoid letting out a sudden groan of pain, while his "victim" and the other workers, who had all been waiting for

this moment, went on about their business with perfectly straight faces. The "egg" was a door knob which the convict had put in his pocket for the very purpose it had just served. The cook wound up with a lump on the back of his hand almost as big as the door knob. And the worst of it was that he could say nothing about it. But every convict in the place knew all about the incident before noon.



It has long been a well-known but, until recently, seldom discussed fact that all penal institutions have more than the usual proportion of homosexuals among their inmates. La Tuna was no exception. These men had been identified and, for a number of reasons, were lodged in one cell block of the institution. It may well be imagined that this particular block of cells and its tenants were the subject of considerable conversation and many jokes among the employees and other inmates.

Finally, some prisoner or employee with more imagination and artistic ability than good judgment prepared a poster and placed it over the entrance to cell block "X." Unfortunately, this masterpiece has been lost and we do not have a good description of it. It is recalled that the illustration included male figures in lace panties and other such frothy items. Naturally it was not on display when the warden or any of his principal officers were likely to be around, but eventually the inevitable occurred.

Someone placed the work of art over the entrance to cell block "X" for a few laughs and Warden White chose that time to make an unscheduled inspection of the premises. The report is that when he saw the unauthorized poster, the results have been equalled only once. That was some years later when the famed West Texas wind got up to speeds of more than eighty miles an hour, causing extensive damage to the institution's buildings and equipment. Even today, after all these years, inquiries as to the identity of the artist are met with denials and evasions.



"The Big Line" was the convict and unofficial name for the main work force. It consisted of a large group of inmates assigned to work in the fields and do the general farm and maintenance work. This included the leveling and maintenance of the terraces which were a necessary part of the irrigation system. Supervision of this work force was the responsibility of a senior officer and four assistants. The assistants were mounted and armed, and were usually posted roughly at the four corners of the area being worked. The senior officer, having to move about among the prisoners, went unarmed. It is readily apparent that a close degree of supervision of a group of this size, engaged in a variety of tasks and scattered through the fields, would be virtually impossible. In any case, it was usually unnecessary. Occasionally a group had to be prodded a bit, or a fight had to be stopped but, on the whole, things usually went smoothly and there was little trouble.

So it was on the day the tools were lost. The current project was the leveling of a large area, by means of picks, shovels, and wheelbarrows. It was simply a matter of removing the dirt from the high spots and using it to fill in the low ones. Everything went along as usual and nothing out of the ordinary was seen by any of the officers. But when quitting time came and the tools were checked in, several wheelbarrows and shovels were missing. They just could not be found, and no one knew anything about them. The entire work area was searched, but the results were negative. The loss was reported, to be further investigated, and the usual routine was resumed. But the same thing happened the next day. More wheelbarrows and shovels were missing at the end of the day. This time, the supervising officer made it clear that he expected them to be found, and that big trouble could be expected if they were not.

Finally, one of the inmates maneuvered around so that he could talk to the officer without being observed by his fellows, and suggested that he have someone dig in a certain spot where they had been working that afternoon. The officer did so and there were the missing wheelbarrows and other tools, covered by a couple of feet of dirt!

Naturally, the culprits were never discovered. The informer

would never have been prevailed upon to divulge the names of those responsible. Nor was the reason for the prank ever disclosed. Some thought that the object was simply to get out of work — no tools, no work. This hardly seems likely, though. Other tools would be provided and, more to the point, other and far more disagreeable work could quickly be found. On the whole, it seems likely that the trick was the work of practical jokers, done for no reason other than “putting one over on the screws.”



Every officer, inmate, and regular visitor at La Tuna knew how Warden White felt about smoking. He didn't like it. During his younger days he himself had used tobacco in every possible form but had quit in 1908, while serving with the Texas Rangers. Like most of us who have been victims of the smoking habit and have kicked it, he was more strongly opposed to the use of the weed than those who have never smoked.

In any case, it was a rule, unwritten but never violated more than once by the same man, that you didn't smoke in the Warden's office. There was a receptacle outside his door for those entering his office to put their cigaret and cigar butts in, and it was expected that it would be used.

When a stranger showed up one Monday morning, entered the Warden's office with his pipe going, and proceeded to keep the atmosphere filled with its aromatic fragrance the entire morning, word flashed around the 635 acres of the institution that there was a real celebrity within the walls. A few members of the Warden's immediate staff knew his identity, but to most of the residents of La Tuna, volunteer and otherwise, it was a subject for wild speculation and rumor. It couldn't be President Roosevelt. He was known to be in Washington and, anyway, he would have been recognized. Furthermore, the president, as the nation's best known cigaret chain smoker, didn't smoke a pipe. But who else would be permitted to smoke in the warden's office?

Then, when the Warden and his visitor emerged from the office

and began what appeared to be an inspection tour of the buildings, speculation and wonderment increased. The stranger led the way, still puffing his pipe. Since he was somewhat shorter than White's six-foot-four, the smoke from his pipe was wafted back directly into the face of the Warden. One observer, even at this late date, recalls that his impression of the scene at the time was that of a speeding destroyer laying down a smoke screen for an unwilling battleship.

When it subsequently became known that the visitor was none other than Mr. James V. Bennett, Chief of the Bureau of Prisons, it was generally agreed that he was the only man, other than the president himself, who could have gotten away with smoking in the office of Warden Thomas White.

CHAPTER XI

FULL CIRCLE

☛§ ON MARCH 6, 1951, Warden White reached the mandatory retirement age for civil service employees. He was retired on his seventieth birthday amidst more than the usual perfunctory plaudits of his fellow workers and supervisors, in view of the truly notable service he had rendered in his chosen field of law enforcement work. However, he was not yet ready to quit working, so he accepted a six-year appointment to the Texas State Board of Pardons and Paroles. The offer of this appointment was made by the Honorable John J. Hickman, Chief Justice of the State Supreme Court. In tendering the offer, Justice Hickman observed that he had never seen better recommendations for such a post than those presented on Tom's behalf.

Without going into great detail concerning the state's system for dealing with convicted criminals, it might be noted that there are three general ways in which a person convicted of a felony may be granted leniency, at the discretion of the appropriate authority. The first of these, probation, may be granted by the judge of the court of original jurisdiction, that is, the one who conducted the trial. He may place a first offender on probation for all but the most serious crimes. A convict who is placed on probation is not required to serve any part of his sentence so long as he complies with the terms of his probation as laid down by the judge. These terms obviously include good behavior generally, and may be very specific on some points. The probationer may, for example, be ordered to refrain from certain activities, avoid certain associations, and so on. His conduct during his probationary period is monitored and evaluated by a probation officer who, in turn, reports to the judge.

This device allows a "second chance" to a first offender who, in the opinion of the judge, deserves it. He may continue a normal family life, stay on his job, and avoid the stigma of going to prison. If he violates the terms of his probation it may be revoked at any time, however, and he can be committed to prison without further

trial upon the recommendation of the probation officer and approval of the judge. He may then be required to serve the entire prison term to which he was originally sentenced.

The other two forms of clemency, pardon and parole, are granted at the discretion of the Governor, in the case of violations of state law. Until 1936 in Texas the chief executive had sole responsibility for determining who should receive the benefits of these provisions of the law, that is, be completely forgiven for their crimes and go free, or be relieved of a portion of their prison sentences. This, of course, was too heavy a burden for the Governor to bear alone. Obviously, no governor could be expected to review and weigh the evidence necessary to make a rational decision in each of the thousands of cases with which he is confronted each year. His only alternative was to rely on information and advice provided by others. This might or might not be reliable, depending on the character and ability of those providing it. Certainly this is too important a responsibility, in terms of the lives of others, to leave to chance or makeshift arrangements.

Recognizing this weakness in the system, the Constitution of Texas was amended in 1936 to provide for the establishment of a Board of Pardons and Paroles. Under the terms of the amendment the Board consists of three members, each appointed for a term of six years, one retiring every two years, with the senior member serving as chairman. One member is appointed by the Governor, one by the Chief Justice of the Supreme Court, and one by the Presiding Judge of the Criminal Court of Appeals. All of these appointments must be confirmed by the Senate.

The duties of the Board are to receive applications for pardons and paroles, and to recommend to the Governor the actions which the members consider appropriate. It is worthy of note that the Governor's authority to act in these clemency cases is extremely limited in the absence of a recommendation from the Board. In fact, without such a recommendation, he may only grant one thirty-day stay of execution, or revoke a parole or conditional pardon already granted. On the other hand, with a suitable recommendation from the Board, he has complete clemency powers, including

the granting of full pardons. In actual practice, Texas governors have followed the Board's recommendations in more than ninety per cent of the cases handled. Thus, it can be seen that the Board has great powers in this area which is vital to so many people.

Some people, including many law enforcement officers, have criticized the judges and parole boards for what they term laxity in their liberal use of probation and parole. The critics claim that these benefits are granted in many cases where they are not justified, and that this has contributed to a widespread contempt for our laws and those who try to enforce them. They could be right, of course, but those who advocate and practice a comparatively liberal approach have some very persuasive arguments to support their views.

As in most areas of public service and responsibility, the economic factor cannot be disregarded. This is all on the side of probation and parole for all of those who are found to be suitable candidates. In all too many cases, the families of men confined to prison almost automatically become public charges and rely on the state for their entire subsistence. In these cases it has been found to cost the state *ten times* as much to maintain the offender in prison and care for his family as it costs to release him under the supervision of a probation or parole officer and make him responsible for supporting his own dependents. And it should be remembered that employment, for those able to work, is one of the basic considerations for either type of conditional release. So, from this standpoint, a liberal use of probation and parole, far from being a "soft" (or, as some would have it, a "soft-headed") approach, represents the hardest-headed kind of thinking on the subject.

Another factor which must be considered, while also having its practical aspect, also has many sociological overtones. Any veteran judge, probation officer, or parole officer is familiar with the situation in which the father, doing time in "The Big House," has set a pattern and adopted a life style which will, more or less routinely, be followed by his children. No less than the professional "welfare families" which have been the subject of so much recent publicity, the families of imprisoned convicts are caught up in a self-perpetu-

ating situation which can almost be taken for granted. Again, assuming an apparently suitable candidate (remember the "accidental offenders"?), and adequate supervision, the professionals in the field consider probation and parole the best possibilities for breaking this cycle. With all of its pitfalls, it certainly seems worth a trial.

Fortunately, the state of Texas has not yet reached the point where the cold hard facts determine the course for judges and probation and parole officers to follow. In some jurisdictions plant facilities, more than anything else, already determine policy. With facilities already dangerously overtaxed, it all adds up to deciding whether convict A shall be placed on probation or given parole in order to vacate a cell for convict B! Admittedly, this is a far less satisfactory basis for making such a vital decision than the professional judgment of trained judges and officers.

This kind of work was not new to Tom. He had served on many parole boards while working as warden in the Federal prison system. At that time, a permanently constituted parole board had not yet been established. Such boards had been of an *ad hoc* nature, usually consisting of the Chief of the Prison Bureau, the warden of the institution where the prisoner was confined, and the prison physician. These officials reviewed the record of each prisoner as he approached eligibility for parole, that is, when he had served one-third of his sentence or fifteen years, whichever was less.

In making its review, the Board naturally considered the prisoner's conduct during his current period of confinement. It also delved into his previous record and present situation and prospects for the future. Is this his first offense, or does he have a record of prior arrests and convictions? If so, how serious and how persistent has his criminal behavior been? What is his family situation? Will it help or hinder him in whatever efforts he makes to rehabilitate himself? Does he have a job waiting for him? A suitable place to live? Or will release from confinement simply dump him back into the same environment from which he graduated into prison in the first place? Only when complete and reasonably satisfactory answers to questions such as these are provided can there be any real-

istic expectation of a successful parole system.

Tom found the same general procedures used in the Federal system employed by the Texas State Board. The biggest single difference was in the amount of information available to the members of the Board. He found the state Board making decisions based on what he felt was woefully inadequate information. Some of the members were also inclined to accept at face value the claims made by the applicants and their representatives. Tom had long since learned to look behind these eloquent pleas. They frequently failed to square with the facts. He suggested that the Board members begin visiting the prison units where the applicants were confined. This would enable them to review their records, interview the prison officials and other witnesses, and the prisoners themselves, before making their decision. Such a system was finally adopted and Bessie reports that she saw very little of her husband for long periods of time after that. In this respect she was reminded of the old days when Tom was with the FBI. Since then, further advances have been made and the Board now has parole officers located throughout the state. These officers provide them with valuable information concerning applicants for parole and provide supervision of the parolees in their districts.

In response to a question as to whether he thought he was more or less strict than his colleagues, Tom admits that, in most cases involving split decisions, he found himself voting for denial of clemency. However, he does not feel that this necessarily proves that he was more "strict" than the other members of the Board. He argues, instead, that his years of experience in dealing with thousands of cases of this nature enabled him to recognize and reject more readily certain factors which may have great emotional appeal but which have no real bearing on the merits of the case being considered. He knew that a convict is rarely found who cannot present a convincing plea for his release. Convincing, that is, to someone who has not been down that same path many times before. The ailing wife, the fatherless children, the life-long church membership; all of these arguments are very persuasive until it is learned that the subject's persistent criminal behavior is the real cause of

his wife's illness, that he has never been a father to his children except in the narrow biological sense, that the waiting job exists only in his fertile imagination and that of a crony who has no real job to offer, and that he has never attended church since he was forced to go as a child. And, even if the claims which are made are found to be valid, they still do not warrant releasing a prisoner if his history and current behavior indicate that he would be a clear threat to society if turned loose. There is no doubt that unwise decisions based on such emotional considerations have been responsible for many sex offenses and other crimes. Unfortunately, it often happens that the least worthy have the most eloquent supporters. Tom simply contends that external conditions, while important, are secondary to the convict's own behavior in judging whether he is ready to take his place back in society. He must have shown some good sound evidence of changes in the attitudes and behavior which first caused him to lose that place. Within these limits, Tom considers himself a liberal exponent of probation and parole.

One of the more trying aspects of membership on the Board was the never-ending subjection to pleas for special consideration on the basis of nothing but friendship or acquaintance or, worse yet, political or vague fraternal connections. And perhaps it should not surprise us to learn that people who use friendships in this way are typically rude and inconsiderate of the very people from whom they request these special favors. The Whites soon became accustomed to being accosted by friends, casual acquaintances — and strangers — whenever they were in public. Tom would be urged in the name of friendship to “do everything he could” for a friend-of-a-friend who, of course, had been convicted on a trumped-up charge in the first place or had taken the rap for a friend. Often, the man for whom this special consideration was being sought would not even be eligible for parole for months. And when his case did finally come before the Board, there was no basis for recommending clemency.

The most annoying practice in this connection, according to Bessie, was the free use of the telephone in asking for these favors. And this was not limited to reasonable hours. She and Tom were

awakened many times at very late hours of the night by callers pleading for special consideration for a man whose case was up for review the next day. Bessie recalls another man named White who worked for the Department of Agriculture in Austin. He remarked a number of times that he wouldn't have Tom's job for any pay. The night-time telephone calls he got by mistake which were meant for Tom were more than enough for him!

On the whole, Tom considered the Board members very dedicated and capable. There were exceptions. One member with whom he worked for a short time, a former elected official from one of the state's more populous counties, consistently refused to consider the opinions of the other members. Worse, he appeared to be frequently motivated by purely political considerations. And, as Tom says forcefully, this was certainly one area where political affiliation has absolutely no place. As a counterbalance, however, there was a former Secretary of State for Texas, Jack Ross, who not only displayed consistently sound judgment but who was also a man of the highest integrity. As a result, Tom felt that the Board's recommendations were justified by the evidence in the vast majority of cases.

Not many cases considered by the Board stand out in Tom's mind as being significant except to the people directly involved. This period of his life seems to be recalled as a mosaic, made up of an infinite number of tiny pieces, no one of which is particularly meaningful except as part of the overall pattern. Maybe this is because, for the most part, he was dealing with pieces of paper instead of directly with the people they represented, as he was used to doing. Two cases, however, made lasting impressions on him. He recalls one with wry amusement, the other with considerable satisfaction.

In the first, the convict's principal advocate was a prominent clergyman and author of religious works. To make matters more difficult for Tom, he was also a fellow Baptist. However, his reasons for pleading this particular convict's case boiled down to two. First, the man's wife, a member of the minister's church, wanted him home. Second, the prisoner himself was also a lifetime Baptist.

Against these arguments were the hard facts of the convicted man's persistent criminal activity, and the complete absence of any evidence of change in the attitudes and behavior which caused his conviction and imprisonment in the first place. Tom felt compelled to stand his ground and recommend that the applicant not be paroled. He still remembers very clearly the strained relations between him and the minister as a result of this case.

On another occasion the Board received a request for commutation of a death sentence to life imprisonment. Investigation showed nothing which, in Tom's judgment, justified such an action. As he saw it then and explains it now, the law under which Texas citizens live prescribes the death penalty for certain crimes committed under certain conditions. A jury of twelve persons had considered all of the evidence that had been presented at this man's trial and had concluded unanimously that he had committed such a crime under such conditions. Therefore, these twelve persons had said, the man must die. Finally, the judge who had conducted the trial and listened to the evidence along with the jury, had decreed that the convicted man should die in accordance with the requirements of the law.

The record did not show that there had been any flaw in the trial or that the accused man had been deprived of any of his rights. In any case, if there had been such an error, it would have been corrected through the judicial system itself. And there was no evidence of any kind which had not been thoroughly considered by the judge and jury. To add to all of this, there was the further consideration that the condemned man had been far from a model prisoner. There was just nothing in his record to warrant any special consideration. To quote Tom in this matter, "If this man was let off with a life sentence, then we would never have a right to execute anyone under our laws. Anyone convicted of murder in the future would have a perfect right to expect and demand nothing more severe than life imprisonment — and I would certainly have to recommend commutation of all life sentences. But if this was done, it would simply mean that the Governor and his Board of Pardons and Paroles had changed our criminal law; and that is the responsi-

bility of the Legislature — the lawmakers for the state.”

At any rate, the Board’s report went to Governor Shivers with the two-to-one recommendation that the sentence be commuted. The governor accepted the majority recommendation and commuted the sentence.

It so happened that Allan Shivers, besides being Governor of the state of Texas, also taught the Men’s Bible Class at the First Baptist Church of Austin, of which Tom White was a member. It is still a source of much satisfaction to him to recount how, some months later, the Governor recited to the class the details of this case as an illustration of some point of right thinking or conduct. He went on to say that Tom’s reasoning and judgment had been right all along and, if he had the whole thing to do over, he would follow his recommendation instead of that of the majority of the Board.

Tom has devoted a great deal of thought to the whole thorny subject of capital punishment. And he is against it. But, as we have seen, he does not feel that the judicial or executive authority of a state (or nation) has the right to use its powers to do away with a form of punishment which is prescribed by the laws of that state or nation. This is simply the usurpation by one branch of government of the power given by the constitution to another. The fact that the clemency power is given to the chief executive does not alter this basic reality. This clemency power is to be used only when genuine extenuating circumstances are found to be present in a particular case. It is not to be used simply because a particular executive official does not approve of capital punishment, or is sympathetic toward a particular convict for personal reasons. This would make our entire system of justice a farce. Capital punishment can be abolished only by the lawmaking or legislative arm of our government.

And it should be so abolished, Tom White believes, but only when a satisfactory substitute for it has been found. He believes that a satisfactory substitute would be *genuine* life imprisonment. By that, he means imprisonment for the rest of the convict’s natural life, with no prospect or possibility of parole or other reduction of sentence. The only exception to this condition would be that very

rare case in which it is subsequently proved that the convicted man was innocent of the crime for which he was convicted and imprisoned.

All in all, membership on the Board was a stimulating and satisfying experience, but at the expiration of his six-year term Tom decided it was time for him to turn the work over to other hands. His active career now spanned a period of fifty-one years and, at long last, he agreed with Bessie that it might be time for him to take a rest. As he says, "I began by catching criminals and sending them to prison. Then I spent twenty-five years taking care of them while they were serving their time. Finally, I spent the last six years of my career in deciding when they should be released. I had come the full circle." We might note, incidentally, that he had made a full circle in another respect. He had completed his career in Austin where his early boyhood had been spent, and where his father had established the tradition of law enforcement to which Tom had made so significant a contribution.

As we have already seen, Bessie and Tom had both decided that El Paso would be their retirement home. Neither of them can say exactly when this decision was made, but there is a saying among El Pasoans that if you stay in their town long enough to wear out one pair of shoes you will never leave or, if you do, you will come back. In any case, as Bessie phrases it, "Oh, there was never any doubt about where we were going to live after Mr. White retired. We always intended to come back to El Paso when he quit working." We won't argue with her except to remind her of her first impression of "The Pass of the North" when Tom was first transferred here as a Special Agent for the Southern Pacific Railroad. After all, she did remain here long enough to wear out several pairs of shoes.

Upon moving back to El Paso from Austin, the Whites built a home in the Country Club area, with Tom pretty much serving as his own contractor. They enjoyed this home for several years, but finally the burdens of house and yard maintenance made them look with favor on apartment living. They find that this gives them more time and energy for the things they enjoy doing. For Tom this includes a weekly round of golf, daily walks through El Paso's streets

(and only a confirmed hiker had better accompany him), and regular attendance at the meetings of the El Paso Federal Business Association, Kiwanis Club, Knife and Fork Club, and Law Enforcement Association. The dog-eared condition of his treasured crossword puzzle dictionary testifies to another one of his interests. For Bessie, life consists of doing most of her own cooking and housework (she just points to Tom as evidence of the quality of the former), participating in the various activities of the Woman's Club of El Paso, the National P E O Sisterhood, the Crescent Club of Anthony, Eastern Star, and the Daughters of the American Revolution. For both it includes regular attendance and participation in the activities of First Baptist Church. And finally, life for the Whites includes pleasant and satisfying memories of yesterday, enjoyment of their many friends and absorbing events of today, and anticipation of a full and richly rewarding tomorrow. Could anyone ask for more?

L' E N V O I

Among the good things life has given me I would certainly count my association with Tom White, although it has been neither as lengthy nor as close as I could wish.

I shall always be thankful for the opportunity of knowing Tom, because no one can walk beside this man, however briefly, without finding his own life enriched by the experience. His refreshingly simple, straightforward view of life and death might well put a philosopher or theologian to shame. His personal philosophy of life can be summed up something like "Help people when you can. If you can't help them, don't hurt them."

I find the most remarkable thing about him, however, to be his stubborn belief in the innate goodness — the spark of divinity — in mankind. After having spent his life since the age of eight in microscopic observation of man at his vicious and most depraved worst, he could certainly be forgiven a large measure of cynicism about this, the most perverse of God's creatures. Not so. He maintains an unusual degree of optimism about any given man as an individual, and about Man as a race. This, of course, simply reflects his own unswerving faith in the goodness and mercy of God.

Early in our conversations which led to this book, it became evident to me that Tom's life had been greatly influenced by five people, his grandfather (Grampy), his father, Aunt Lina, J. Edgar Hoover, and, of course, his wife Bessie. Of the latter he says simply, "The Lord and my wife deserve all of the credit for anything I've ever been or done. He showed me the way and she helped me follow it." I think it must be added that the Lord and Bessie had some mighty good material to work with. In any case, here is a man who appears to have followed, better than most of us, Bryant's immortal injunction to

So live that when thy summons comes to join
The innumerable caravan, which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

August 10, 1971



Tom left us four days ago, in the early morning hours of December 21. He died as he had lived, quietly and with a calm dignity which bespoke not only an unfaltering trust but true greatness of spirit. His dreams will indeed be pleasant ones.

December 25, 1971



VERDON R. ADAMS

I N D E X

- Amarillo, Texas, 24
 Anderson, Dutch, Atlanta convict, 36
 Atlanta Prison, 30
 Austin, Texas, 1, 152
 Austin, Texas, Mayor of, 6
- Barker, Ma, 108
 Beaumont, William, General Hospital, 119
 Bennett, James V., 40, 80, 117, 142
 Berta, Fred, 116
 Bigheart, George, 56
 Big L, The, Leavenworth Penitentiary, 85
 Big L, The Life and Death in, 93
 Blackbirds, at La Tuna, 129
 Board of Pardons and Paroles, Texas State, 143
 Brown, Anna, Osage murder victim, 61
 Burkhardt, Ernest and Bryan, 61, 72
- Campbell, John E. (Grampy), 1
 Capital punishment, 151
 Chapman, Gerald, Atlanta convict, 34
 Colorado City, Texas, 16
 Cockroaches, at Leavenworth, 106
 Company "A," 16
 Cook, Dr. Frederick, Leavenworth convict, 100
- Death sentence, 150
 Donovan, Col. W. J. (Wild Bill), 30
 Duck eggs, at La Tuna, 128
 Dunnaway, Texas Ranger Sergeant, 18
- El Paso, Texas, 27, 152
 Exie Fife Jackson v. Berlin Jackson, 53
Experiences of a Special Indian Agent, by E. E. White, 42
- FBI Story, The*, Don Whitehead, 32, 48, 63, 75
 Federal Bureau of Investigation, 28
 Federal Bureau of Prisons, 40, 79
 Fort Bliss, El Paso, 131
 Fort Sill, arson case, 51
- Gonif, The*, by Morris Rudensky, 86
 Green, "Boxcar," Leavenworth convict, 108
 Gunchesterville, Texas, 20
- Hale, William K., 48, 56, 59, 69, 72
 Harr, Willie, Atlanta convict, 29
 Hendricks and Boyce, Amarillo lawyers, 25
 Hickman, Texas Chief Justice John J., 143
 Hogg, Governor Jim, 11
- Homosexuals, at La Tuna, 139
 Hoover, FBI Director J. Edgar, 29, 35, 39, 42, 49, 74, 79
 Houston, Texas, 29, 42
- I Chose Prison*, by James V. Bennett, 80
 Immigration Service, United States, 121
Indian Agent, Experiences of a Special, by E. E. White, 42
- Jack rabbits, at La Tuna, 129
- Kahesy, Lizzie Que, Osage murder victim, 61, 63
 Kent County, Texas, 18
 King of the Osage Hills, 56, 59, 69, 72
- La Tuna Federal Correctional Institution, 117
 La Tuna, Tales from, 133
 Lawton, Oklahoma, 51
 Leavenworth cockroaches, 106
 Leavenworth, Kansas, 81
 Leavenworth Penitentiary, 75, 79
 Leavenworth Penitentiary, Official History, 102
 Longview Public School, 5
- Machuca, J. C., La Tuna retiree, 134
 Meedie (Solomon), 14
 Montague County, Texas, 22
 Moore, Herman, El Paso Border Patrol Chief, 121
 Morrison, Kelsey, Osage murderer, 64
- Oak Hill, Texas, 1, 11, 14
 Oklahoma City, Oklahoma, 49
 Osage Indian Reservation, 42
 Osage Hills, King of the, 56, 59, 69, 72
 Osage murders, 42
 Osage Tribal Council, 50, 76
 Osage Tribe, 44
- Pardons and Paroles, Texas State Board of, 143
 Patterson, Bessie (White), 23, 24
 Panzran, Carl, Leavenworth convict, 101
 Prisons, Federal Bureau of, 40, 79
- Ramsey, John, Osage murderer, 69
 Ranger, Texas, 14
 Retirement, Tom White, 143
 Roaches, at Leavenworth, 106
 Roan Horse, Henry, Osage murder victim, 56, 61, 68, 72
 Rudensky, Morris, author of *The Gonif*, 86
 Rudensky, Morris, Leavenworth convict, 85, 109

San Angelo, Texas, 21
 San Antonio, Texas, 27
 Santa Fe Railroad, 23, 27
 Shivers, Governor Allan, 151
 Smith, Rita and William, Osage murder victims, 61, 72
 Solomon, Meedie and Anthony, 3
 Sorghum molasses, at La Tuna, 128
 Southern Pacific Railroad, 27
 Stone, U. S. Attorney General Harlan F., 30
 Stroud, Robert, Leavenworth convict, 96
 Southwestern University, 11
Texas Rangers, A Pictorial History of, 14
 Texas Ranger, The, 14
 Travis County, Texas, 5, 10, 15
 Turkeys, at La Tuna, 130
 Ward, Charles E., convict, 95

Watermelon Head, Cabeza de Sandia, 136
 Watermelons, at La Tuna, 136
 Wells, Jim, Lieutenant at La Tuna, 134
 Weatherford, Texas, 23
 White, Bessie Patterson, 23, 31, 40, 81, 84, 119, 147, 148, 149, 152, 153
 White, Coleman (Coley), 1, 10, 15
 White, Della, 1
 White, Dudley, 1, 10, 15
 White, E. E., *Experiences of a Special Indian Agent*, 42
 White, James C. ("Doc"), 1, 15
 White, Margaret Campbell (Maggie), 1
 White, Robert, 27
 White, Robert Emmet,
 White, Thomas, Jr., 10, 25
 White, Tom's Leavenworth convict namesake, 97
 Whitehead, Don, *The FBI Story*, 32, 48, 63, 75
 William Beaumont General Hospital, 119

Designed by
EVAN HAYWOOD ANTONE
and
CARL HERTZOG

